

# FROM BOSTON TO AUSTIN: LESSONS LEARNED ON HOMELAND THREAT INFORMATION SHARING

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## HEARING BEFORE THE COMMITTEE ON HOMELAND SECURITY HOUSE OF REPRESENTATIVES ONE HUNDRED FIFTEENTH CONGRESS SECOND SESSION

APRIL 18, 2018

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## **FROM BOSTON TO AUSTIN: LESSONS LEARNED ON HOMELAND THREAT INFOR- MATION SHARING**

**Wednesday, April 18, 2018**

U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOMELAND SECURITY,  
*Washington, DC.*

The committee met, pursuant to notice, at 10:11 a.m., in room HVC-210, Capitol Visitor Center, Hon. Michael T. McCaul (Chairman of the committee) presiding.

Present: Representatives McCaul, King, Barletta, Perry, Katko, Hurd, Ratcliffe, Donovan, Higgins, Rutherford, Fitzpatrick, Estes, Jackson Lee, Watson Coleman, Rice, Correa, Demings, and Barragán.

Chairman McCAUL. The Committee on Homeland Security will come to order. I would like to first express my condolences to the Bush family in remembrance of First Lady Barbara Bush, who served this country so well, really the matriarch of a dynasty family that we all admire. I will never forget President Bush and Barbara actually endorsing me in my first primary, and it was quite an endorsement to have.

She had a great strength about her and a great sense of humor, I think, all the way until the end. I will be in Houston on Friday at the ceremony in remembrance. If we could just take a moment of silence?

So the committee is meeting today to examine information sharing and cooperation between Federal, State, and local partners, their responses to the Boston Marathon bombings, and the recent series of bombings in my home town of Austin, Texas. So I now recognize myself for an opening statement.

Five years ago, as thousands of people were running toward the finish line in Boston, two bombs exploded. In a matter of seconds, a time of celebration became a time of terror. In the midst of the chaos on this Patriot's Day afternoon, ordinary citizens, first responders, and members of the National Guard worked frenetically to save lives.

Our Nation was stunned. This hateful attack killed 3 innocent people at the scene, including an 8-year-old boy. Of the 260 people who were injured, 16 of them lost their limbs. An MIT police officer later was shot and killed as the bombers tried to avoid capture. Many people's lives were changed forever.

After a strong response from the FBI, the Massachusetts State Police, ATF, and local police, both of the bombers were brought to

justice. One was killed in a shootout and the other sits on death row. When it became clear that one of the bombers had been on our radar screen before the attacks, this committee took action.

After an extensive investigation, we learned there were opportunities where additional steps could have been taken. Even though we will never know if things might have turned out differently, this committee's report made several key recommendations to bolster information sharing and strengthen partnerships among Federal, State, and local law enforcement.

More than anything else, the committee's investigation led to a stronger homeland security bond between Federal, State, and local. We are always working to formalize and improve information sharing between agencies. Though much more work needs to be done, at least five of the committee's seven recommendations have been addressed. Here are some examples.

First, the FBI revised its memorandum of understanding with agencies partnering on its Joint Terrorism Task Forces to more clearly encourage information sharing. Second, the FBI normalized communication between JTTFs and partner agencies. Third, DHS improved their travel recordkeeping. Finally, broad investments have been made to inform the public on the threat we face from terrorism and enlist their help in combatting it.

These changes were necessary. They have made a real impact over time and have remained at the heart of this committee's initiatives. After 5 years, our counter-terrorism partnerships are improved and the coordination among Federal, State, and local law enforcement, I believe, is stronger. We witnessed this just last month when my home town of Austin was terrorized by a bomber.

In response, Austin Chief Brian Manley, who is here today, commanded local and State law enforcement personnel with over 500 Federal agents deployed to assist in the operations. This represented the largest mobilization of law enforcement since the bombings in Boston. Working together, they were able to track down the bomber and stop him in his tracks and stop these attacks.

Unfortunately, the bomber had already murdered two people and injured six others. I have spoken to several of the victims and their family members. It was very painful to hear their voices and stories, but inspiring to learn of their strength.

Chief Manley, I was very impressed by the way you led our home town through such a difficult time. You were determined in bringing the bomber to his final justice. On behalf of the Austin community and as a resident of Austin, Texas, we are grateful you brought this nightmare to an end. Now is the time to heal.

I know that the FBI officials in the area worked hard to support your investigation, including the special agent in charge at the San Antonio field office, Chris Combs, who I was in very constant contact with, and the resident agent in Austin, John Scata. The tragedies in Boston and Austin are very different, but they reflect the continued progress we, as a country, are making toward homeland security.

At the heart of each are basic questions of coordination, sharing, and mutual support. We must continue to learn from these tragedies so we can prevent the next one. As a former Federal pros-

ecutor, I understand this requires flawless coordination at all levels. This committee has achieved a lot. We are always looking to do more.

That is why this hearing today is so important to me, and I want to thank all the witnesses for being here today. Each of you provide an important voice on this issue. But you also represent many brave men and women who spring to action and spring to valor during a time of emergency.

You and they work hard to protect American families every day, and we thank you for that. This entire committee is thankful for your service.

[The statement of Chairman McCaul follows:]

STATEMENT OF CHAIRMAN MICHAEL T. MCCAUL

APRIL 18, 2018

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In the midst of the chaos on this Patriot's Day afternoon, ordinary citizens, first responders, and members of the National Guard worked frantically to save lives.

Our Nation was stunned.

This hateful attack killed three innocent people at the scene, including an 8-year-old boy.

Of the 260 people who were injured, 16 of them lost legs.

A MIT police officer was later shot and killed as the bombers tried to avoid capture.

Many people's lives were changed forever.

After a strong response from the FBI, the Massachusetts State Police, the ATF, and local police, both of the bombers were brought to justice.

One was killed in a shootout and the other sits on death row.

When it became clear that one of the bombers had been "on our radar" before the attacks, this committee took action.

After an extensive investigation, we learned there were opportunities where additional steps could have been taken.

Even though we will never know if things might have turned out differently, this committee's report made several key recommendations to bolster information sharing and strengthen partnerships among Federal, State, and local agencies.

More than anything else, the committee's investigation led to a stronger homeland security bond between local, State, and National law enforcement.

We are always working to formalize and improve information sharing between agencies.

Though much more work needs done, at least five of the committee's seven recommendations have been addressed.

Here are some examples:

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- The FBI normalized communication between JTTFs and partner agencies,
- DHS improved their travel recordkeeping, and,
- Broad investments have been made to inform the public on the threat we face from terrorism, and enlist their help in combatting it.

These changes were necessary.

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You were determined in bringing the bomber to his final justice.

On behalf of the Austin community, we are grateful you brought this nightmare to an end.

Now it is time for us to heal.

I know that FBI officials in the area worked hard to support your investigation, including the Special Agent in Charge at the San Antonio Field Office, Chris Coombs, and the Resident Agent in Austin, John Scata.

The tragedies in Boston and Austin are very different.

But they reflect the continued progress we as a country are making toward homeland security.

At the heart of each are basic questions of coordination, sharing, and mutual support.

We must continue to learn from these tragedies so we can prevent the next one.

As a former Federal prosecutor, I understand this requires flawless coordination at all levels.

This committee has achieved a lot, but we are always looking to do more. That is why this hearing today is so important.

I want thank all of today's witnesses for being here.

Each one of you provides an important voice on this issue.

You also represent many brave men and women who spring to action during an emergency.

They work hard to protect American families every day.

This entire committee is thankful for their service.

Chairman McCaul. The Chair now recognizes the gentlelady from New Jersey, the acting Ranking Member, Mrs. Watson Coleman, for her statement.

Mrs. WATSON COLEMAN. Thank you, Mr. McCaul, and I want to associate myself with the condolences that you extended to the Bush family. You couldn't help but notice that this is a strong family values woman. Her grandchildren loved being around her. Her sons, who were in politics, never were remiss in not mentioning her and the importance that she had in their lives. Of course her husband, former President Bush, spoke of her dearly.

So we are better that she lived among us and cared about those who needed someone to reach out to them, including HIV babies and young people. We pray God's blessings upon her family and upon her soul.

On behalf of Ranking Member Thompson, I thank Chairman McCaul for holding today's hearing on homeland threat information sharing in the wake of the Austin bombings and just after the fifth anniversary of the Boston Marathon bombing. I join my colleagues in remembering those who lost their lives in these tragic attacks and in keeping their families, friends, and loved ones in our prayers.

Ranking Member Thompson wrote to Chairman McCaul last month requesting a hearing on the events in Austin. He did so because it is imperative that we examine attacks on the homeland closely, no matter the ideology or the motivation driving them, to better identify and to disrupt future attacks.

Information-sharing failures that contributed to 9/11 terrorist attacks are well-documented. Since that time, the Federal Government has made enormous strides in addressing these failures, not



only by improving information sharing among its own departments and agencies, but also with State and local partners. These State and local law enforcement agencies are, in many ways, our ears, our eyes and our boots on the ground in our communities.

As such, they are an essential part of our homeland security information-sharing apparatus, participating in fusion centers and Joint Terrorism Task Forces across the country, as well as in more informal information-sharing mechanisms with law enforcement counterparts on an everyday basis.

That said, we know there is always room for continued improvement. Shortly after the Boston bombing, it is my understanding that a directive was sent from FBI headquarters to the field intended to ensure better information sharing with Federal, State, and local law enforcement.

I am therefore interested in understanding the effects of that directive and whether the police chiefs in Boston, Austin, and Washington, DC believe it is being implemented still today. I hope they will also share their thoughts on how we can take the lessons learned, not just from 9/11 or Boston, but also the recent events in Austin, Parkland, and Sutherland Springs and use them to redouble our information-sharing efforts to better secure the homeland.

For the Federal witnesses, I hope they will speak to their commitment to information sharing not just in generalities, but with concrete examples about how the FBI and the ATF can improve information sharing and better assess the effectiveness of our existing initiatives.

Finally, I would be remiss if I did not point out the importance of homeland security grants, like the UASI, to local communities the ability to prevent and respond to the kinds of attacks we saw in Boston and in Austin. Without these dollars, many cities and towns lack the resources to provide the equipment and the training necessary to respond effectively.

I have been greatly disappointed by President Trump's proposed cuts to those vital programs, but remain committed to supporting much-needed homeland security grants to communities across the country. Whether terrorism, continued incidents of gun violence in our school or other attacks on our homeland, we need to do our part to provide the resources necessary to keep Americans safe and secure.

I thank our witnesses for being here today.

Mr. Chairman, I appreciate the committee holding today's hearing. I look forward to continued oversight of efforts on the important issue. I yield back.

Chairman McCAUL. I thank the Ranking Member.

Other Members are reminded that opening statements may be submitted for the record. First, I ask unanimous consent to insert into the record a statement from Mr. Keating. He is unable to be here today. He is attending the funeral of Yarmouth Officer Sean Gannon who was killed in the line of duty last week.

Mr. Keating and I perhaps worked more closely than ever in the aftermath of the Boston Marathon bombing, which hit his home town, including producing a joint investigative report. I know he cares deeply about these issues before us today. So without objection, so ordered.

[The statements of Mr. Keating, Ranking Member Thompson, Mr. Barletta, and Ms. Jackson Lee follow:]

STATEMENT OF HONORABLE BILL KEATING

Due to the funeral of fallen Police Officer Sean Gannon, I am regrettably unable to attend today's full committee hearing entitled "From Boston to Austin: Lessons Learned on Homeland Threat Information Sharing."

This week marked the 5th anniversary of the Boston Marathon Bombing and I submit this statement for the record to reflect on the progress made since that dreadful day in April 2013, and to underscore the need for continued resolve to ensure critical threat information is shared among our Nation's Federal, State, and local enforcement agencies.

Shortly following the attack, I joined Chairman McCaul in authoring a comprehensive, bipartisan report recommending expanded cooperation between Federal and local law enforcement, refining policies surrounding the use of travel records of international travelers, and increasing information sharing with regard to Federal watch lists.

Together, we produced recommendations in our joint report that laid the groundwork for several pieces of legislation passed by this committee aimed at improving cooperation between Federal and State authorities, as well as disseminating greater amounts of information from the FBI's Joint Terrorism Task Force. Additionally, this committee supported increasing funding for the Regional Information Sharing Systems Program, which serves over 9,000 law enforcement agencies in all 50 States, and supports Federal information initiatives such as the National Data Exchange and the Homeland Security Information Network.

This committee plays a vital role in making sure stakeholders at every level have the tools and information they need to protect our Nation from domestic and international terrorist groups. There is always more we can do to help empower those on the front lines, including improving efforts to combat violent extremism and radicalization. I applaud Chairman McCaul and Ranking Member Thompson for holding this hearing, and I look forward to addressing all areas highlighted by the witnesses today where we can make further improvements to improve our National security and ensure tragedies like the 2013 Boston Marathon Bombing do not happen again.

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STATEMENT OF RANKING MEMBER BENNIE G. THOMPSON

APRIL 18, 2018

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Since that time, the Federal Government has made enormous strides in addressing those failures not only by improving information sharing among its own departments and agencies, but also with State and local partners. These State and local law enforcement agencies are, in many ways, our eyes, ears, and boots on the ground in our communities.

As such, they are an essential part of our homeland security information-sharing apparatus, participating in fusion centers and Joint Terrorism Task Forces across the country, as well as in more informal information-sharing mechanisms with law enforcement counterparts on an everyday basis.

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sons learned not just from 9/11 or Boston, but also the recent events in Austin, and use them to redouble our information-sharing efforts to better secure the homeland.

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Finally, I would be remiss if I did not point out the importance of homeland security grants, like UASI, to local communities' ability to prevent and respond to the kinds of attacks we saw in Boston and Austin.

Without these dollars, many cities and towns lack the resources to provide the equipment and training necessary to respond effectively. I have been greatly disappointed by President Trump's proposed cuts to these vital programs, but remain committed to supporting much-needed homeland security grants to communities across this country.

Whether terrorism, continued incidents of gun violence in our schools, or other attacks on the homeland, we need to do our part to provide the resources necessary to keep Americans safe and secure.

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#### STATEMENT OF HONORABLE LOU BARLETTA

Good morning, thank you all for appearing before this committee today, and for your service to our country.

I was the Mayor of Hazleton, Pennsylvania for 10 years, so I have tremendous respect and appreciation for State and local law enforcement. They protect our schools and neighborhoods, keeping our families safe, while risking their own lives every day.

The importance of information sharing across the Government cannot be overstated. Our local law enforcement officers are the first line of defense against terrorism, and we need to make sure they are receiving necessary information in a timely manner so they can do their jobs.

It will be the officer on the streets of Hazleton, Harrisburg, or Shippensburg, not an analyst in Washington who will recognize a member of our community has been radicalized or been recruited by a gang or terrorist sect.

That is why I worked with this committee to introduce the Department of Homeland Security Classified Facility Inventory Act. My bill strengthens information sharing between local, State, and Federal law enforcement by requiring DHS to maintain an inventory of facilities certified to store information classified above the Secret level.

More and more State and local officials are now getting the security clearances they need to get important National security information. However, gaps remain, and to be honest, it is frustrating that this legislation is even needed.

Congress and DHS share the same goal of keeping our communities safe. We must make it clear that information needs to be shared to allow for proper oversight, both now and in the future.

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#### STATEMENT OF HONORABLE SHEILA JACKSON LEE

APRIL 18, 2018

Chairman McCaul and Ranking Member Thompson, thank you for convening today's hearing of the Homeland Security Committee on the topic of information sharing "From Boston to Austin: Lessons Learned on Homeland Threat Information Sharing."

This hearing will allow Members of the Committee to:

1. receive testimony from law enforcement officials regarding the evolving threats their communities face;
2. assess improvements to the amount and quality of information shared among Federal, State, and local law enforcement, and
3. discuss the need for future improvements in information sharing, including what next steps should be prioritized.

I look forward to the testimony of our witnesses:

- Mr. Brian Manley, Chief, Austin Police Department, Austin, Texas;
- Mr. William B. Evans, Commissioner, Boston Police Department, Boston, Massachusetts; and
- Mr. Peter Newsham, Chief of Police, Washington Metropolitan Police Department, testifying on behalf of the Major Cities Chiefs Association.

- Mr. Kerry Sleeper, Assistant Director, Partnership and Engagement, Federal Bureau of Investigation (FBI), U.S. Department of Justice; and
- Mr. James E. McDermond, Assistant Director, Office of Strategic Intelligence and Information Bureau, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), U.S. Department of Justice.

On March 2, 2018, the first of seven bombs were detonated in what became a terrorizing series of attacks that killed Anthony Stephan House, 39, and Draylen Mason, 17.

My thoughts and prayers are with the families and loved ones of the two who were killed.

We also need to thank the residents of the city of Austin for their efforts to support law enforcement authorities in the investigation of the bombings.

I also thank our first responders for their work to protect communities and search for and ultimately stop the killer.

On April 15, 2013, two home-made bombs detonated near the finish line of the annual Boston Marathon, killing three people and injuring several hundred others, including 16 who lost limbs.

It has been 5 years since that terrible day, but we still remember the people of Boston, who said they would not be made to fear the terror that hides its face, to attack the innocent.

An essential component of the success that local, State, and Federal law enforcement had during the investigation of the Boston Bombing was the full engagement of the public who shared valuable information with authorities, which provided important clues that led to the identification and ultimate capture of the terrorists.

Today's hearing is important because it allows Members of the Homeland Security Committee to assess the effectiveness of efforts to increase the value and ease of information sharing among local, State, and Federal law enforcement agencies over the five years since the Boston Marathon Bombings and the recent bombing attacks in Austin Texas.

Prior to September 11, 2001, the Federal Government had a wide range of law enforcement, National security, and benefits management agencies that collected information, but jealously guarded this information from other agencies.

The 9/11 Commission Report allowed an in-depth assessment of the failures that led to the horrific terrorist attacks against the United States that cost the lives of nearly 3,000 people.

The House Committee on Homeland Security was created to implement the recommendations of the 9/11 Commission Report and ensure that resources were provided to support the mission of homeland security.

The most significant task of the Committee was guiding the establishment of the Department of Homeland Security, and making sure that it had all that it would need to carry out its mission.

I, along with other Members who have served on this Committee since its inception, made a commitment that a terrorist attack of the magnitude that occurred on September 11, 2001 would never happen again.

An essential component of our ability to keep this commitment was the establishment and sustainment of information sharing among Federal agencies and extending the network of data collection, retention, and sharing with local and State law enforcement partners.

This Committee has worked to erase information sharing barriers among local, State, and Federal law enforcement for the sole purpose of eradicating, interdicting, disrupting, and apprehending those who seek to carryout terrorist plots within the United States.

Through Fusion Centers as well as local, State, and Federal law enforcement anti-terrorism partnerships and Joint Task Forces, we have closed the information sharing gap among Federal, local, and State law.

A great deal had been accomplished over the years, but when the Boston Marathon bombing occurred we learned that more needed to be done.

One of the valuable lessons learned during the Boston incident was the value and importance of having the trust and engagement of the public to help solve the crime.

We needed that collaboration and cooperation with the public to succeed in identifying and ultimately stopping the attackers; for this reason, I believe that more can and must be done to get and maintain public trust and support.

There are still important unanswered questions in the Austin Bomb attacks—some of the answers may only be accessed in a Classified briefing for Members of Congress who should be well-versed in the means, motives, and methods used by the attacker.

For this reason it is imperative that the 28-minute video left by the bomber be part of a comprehensive briefing on the Austin attacks.

Within weeks after the bombing attacks in Boston the relevant law enforcement authorities had briefed this committee on the investigation into that attack that led to 3 deaths and over a 100 injuries.

Community involvement and support for the investigation and prevention of violent acts should be uppermost in the minds of law enforcement and policy makers.

A delay in having a similar briefing on the Austin Bombing only causes further complications because it will contribute to a public perception that the lives lost did not matter.

The nature of the attacks and the skill of the bomb maker make this briefing on the Austin bombings of vital importance to the work of this committee.

This, coupled with the issuance of a Black Identity Extremism report by the Federal Bureau of Investigations' Domestic Terrorism Analysis Unit, leaves the African American community once again questioning the motivations of the Nation's premier Federal law enforcement agency.

As the fight against terrorism succeeds a search for new targets for the resources dedicated to that effort should not be the goal of agencies.

That report did not help in the investigation of the Austin Bombing and it is not going to help in the investigation of future threats.

Conintelpro, the targeting and surveillance of African Americans engaged in Constitutionally-protected civil rights work occurred decades ago, but its damage is still being felt today.

The killing of unarmed black men has been met by communities across the Nation joined by people from all walks of life and ethnicities who have adhered to non-violent protects in the tradition of the civil rights movement to pursue changes in law enforcement practices.

This is not and should not be viewed as a crime and especially not terrorism.

Given the history of the Civil Rights Movement, which witnessed repeated bombings as tools used by white supremacists to terrorize and murder innocent people—it is not inconceivable that this could have been the motivation of the Austin Bomber given that his initial victims were African American and Hispanic.

When the police focused their efforts on the community attacked and the type of bombs used it is not inconceivable that the bomber changed the design of his bombs and the neighborhoods where the first devices were left.

Finally, given the many questions regarding the Austin bombing attacks and the benefit that the briefings concerning the Boston Bombing it would be very beneficial to have that same level of transparency on the recent attacks provided to the Members of this committee.

I look forward today's hearing.

Thank you, I yield back.

Chairman McCAUL. We are pleased to have two distinguished panels of witnesses before us on this important topic. The first panel includes my home town chief of police, Chief Brian Manley of Austin, Texas; Mr. Bill Evans, a commissioner of the Police Department for the city of Boston, Massachusetts; and Mr. Peter Newsham, the chief of police for the Metropolitan Police Department of Washington, DC and on behalf of the Major Cities Chiefs Association.

I can't think of three better witnesses to testify on this topic. Your full written statements will appear in the record.

The Chair now recognizes Chief Manley for an opening statement.

#### **STATEMENT OF BRIAN MANLEY, CHIEF, AUSTIN POLICE DEPARTMENT, AUSTIN, TEXAS**

Chief MANLEY. Chairman McCaul, Ranking Member Ms. Watson Coleman on behalf of Mr. Thompson and honorable Members of the committee, thank you for allowing me to address you today regarding the bombing incidents that took place in Austin last month, a string of attacks that took two lives from our community: Mr. Anthony House, a husband and father; and a 17-year-old amazing young man, musician, and performer, Mr. Draylen Mason.

I currently serve as the interim police chief of the Austin Police Department and I am here speaking in that capacity, but also on behalf of my mayor, Steve Adler, our city council and our city manager, Spencer Cronk.

The coordination that took place between this attack on our community between our Federal, State, and local officials, along with our elected and appointed leaders in our city, were also a large reason on why we were as successful as we were in bringing this to as quick a resolution as we did, albeit not without significant loss of life and other lives that were changed forever based on the injuries that they sustained.

I have submitted a brief that outlines the attacks that took place. For purposes of my testimony today I will just briefly cover them for the intent of being brief. The first attack that took place in our community was on March 2.

Mr. Anthony House came out front of his home and found a package that had been delivered to his front doorstep. Upon picking up that package, the device exploded and he was significantly injured, injuries that he later succumbed to at an area hospital.

Move forward 10 days and we had early morning hours, 17-year-old Draylen Mason goes out front of his residence. He finds a package on the doorstep. He picks it up and brings it inside. As he and his mother are opening this package in their kitchen, the device explodes. The injuries took Draylen's life on the scene, and his mother was seriously injured and transported for treatment.

As we were on the scene of that event, hours later we receive a call that there had been another explosion. This one in South Austin, and this one when 75-year-old Esperanza Herrera came outside of her residence and located a package that had been left there. She picked that package up. It too exploded causing significant injuries from which she is still trying to recover.

On March 18, was notified in the evening hours after 8 p.m. that we had an explosion that took place south again. This one was different. This was a bomb that had been placed in a neighborhood on a side street with a tripwire that was strung across the sidewalk, and we had two males that were walking down the street and activated that tripwire. That device exploded causing serious injuries to these two individuals, 22 and 23 years of age.

On March 19, we were notified that there was an explosion in a FedEx warehouse in Schertz, Texas, a city just north of San Antonio. On-scene investigation revealed that we believed this device was linked to all of the Austin devices based on similarities.

With the ability to look into that we found out the store in Austin where that package had been mailed from, and we were able to determine that that suspect not only mailed one package, but two. So we were able to backtrack that second package and we found that it was sitting in a warehouse in Austin waiting to be delivered to an address in Austin.

So members of the Austin Police Department's bomb squad, along with support from Houston, San Antonio, and ATF, were able to render that device safe within that warehouse and collect a lot of valuable information from that one as well.

The final bomb that exploded in this incident occurred on March 21 when the bomber self-detonated a device as members of the Austin Police Department's SWAT team moved in on him.

I often say I have the benefit of working with heroes every day and nowhere has that been on display as it was on both March 20 and 21 as members of law enforcement bomb squad rendered a device safe that was meant to kill or maim others in a very hazardous way.

Also on March 21, when members of the Austin Police Department's SWAT team moved in on a suspect's vehicle, knowing the likelihood was high that he had an explosive device with him that would detonate, but they did their job that day because they knew if they didn't, others' lives were at risk and may be significantly harmed as well.

Given the focus of today's hearing is on information sharing, I can't say enough about the collaboration that took place between Federal, State, and local officials as we worked to bring this to a conclusion.

Special agent in charge at the FBI, Christopher Combs, and special agent in charge of the ATF, Fred Milanowski, from San Antonio and Houston, respectively, pretty much took up a residency in Austin throughout this investigation. We were in lockstep as we worked toward bringing this to a conclusion.

While I did not have concerns about the assistance we would get from our Federal partners throughout this investigation, I was truly amazed by the number of agents that they brought to bear in Austin along with the equipment and the skills. Again, that allowed us to bring this to quick resolution.

Colonel Steve McCraw of the Texas Department of Public Safety was also instrumental. He was a partner with us and he gave us a lot of assistance through both the Texas Ranger Division, along with 100 troopers that served in Austin patrolling, trying to not only keep the community safe, but provide a sense of safety during these difficult times.

Chief Jessica Robledo of the Pflugerville Police Department and her officers were instrumental in the eventual search warrant at the suspect's residence that took place after we had taken the suspect down. Chief Allen Banks of the Round Rock Police Department and his officers were instrumental as well as we ended up stopping the suspect in his city, and his officers were very helpful.

Texas Governor Greg Abbott had offered any assistance that we needed and was also first to come to the table offering reward money for the identification of the suspect and any evidence that would lead to us locating him.

I also want to acknowledge the Travis County District Attorney Margaret Moore and U.S. Attorney John Bash and their staffs. They were present throughout this investigation. They were in the command center with us and they were advising us every step of the way so that we could ensure that if we ended up in a court of law, whether it be State or Federal, that everything we did was consistent with those practices. It was important to have them in with us.

Chairman McCaul, you as well. We were in constant contact throughout this, and you were making sure that we had the re-

sources that we needed to keep our city safe, and I appreciate that. When our community was at its worst, suffering at its worst, law enforcement was at its best and our criminal justice partners were at their best.

While Austin didn't have anywhere enough assets to handle this on our own, the public safety assets that we did have was in a large part due to the Homeland Security grant funds that we had received as being part of a UASI city. We last received that funding in 2010 and now we rely on State Homeland Security grant funds that we have to share equitably amongst a 10-county region.

So our ability to purchase the equipment and provide the training that is so essential in this area is challenged, and so to whatever extent possible for UASI funding to be returned to a level so that all partnering cities and all partnering entities have the ability to benefit from that program would be a recommendation.

In conclusion, the events of March 2018 have forever changed Austin. The lives of Mr. Anthony House and Mr. Draylen Mason have been taken and can never be returned, and they will not be forgotten. Our city will return to being a vibrant and inclusive city that we have been prior to this incident, and we will work to not forget the lessons learned. We will be stronger together. Thank you.

[The prepared statement of Chief Manley follows:]

#### PREPARED STATEMENT OF BRIAN MANLEY

APRIL 18, 2018

#### OVERVIEW

During the month of March 2018, the Austin, Texas community was terrorized by a serial bomber who killed 2 and injured 5. Four of those injured were in Austin and the fifth was in a Fed Ex warehouse in Schertz, Texas. Those injured in Austin suffered severe to critical injuries. On March 21, the bomber detonated a device inside his truck as an APD SWAT team moved in to arrest him. The explosion resulted in his death and injured a SWAT officer.

The investigation into the Austin serial bombings represented a remarkable cooperative effort between local, State, and Federal law enforcement officials. This document will highlight the individual bombings, the resources that were dedicated to the investigation, and the major accomplishments of the partnering agencies. A more exhaustive after-action review will be conducted that will include an analysis of the investigation and lessons learned.

#### THE BOMBING INCIDENTS

The first bombing occurred at 6:55 am on March 2 at a single family home in Northeast Austin. A resident, Anthony House, a 39-year-old African American male went outside and located a package on the front porch. Mr. House picked up the package and it exploded, causing critical injuries that he would succumb to a short time later at a local hospital. His daughter was inside the residence when the explosion occurred but was not physically injured. The response to this incident included members of the Austin Police Department (APD), the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), the Federal Bureau of Investigation (FBI), and the U.S. Postal Service (USPS). Although investigators did not have reason to believe at that time that the bombing was part of a larger scheme, it was decided at the scene to conduct a joint local/Federal investigation.

The second bombing occurred on March 12 at 6:45 am at a single family home in Central-East Austin. A resident, Draylen Mason, a 17-year-old African American male went outside and located a package on the front porch. Mr. Mason brought the package inside the residence and it exploded as he and his mother Shamika Wilson opened it, causing fatal injuries to Mr. Mason and serious injuries to his mother. Mr. Mason was pronounced deceased at the scene. As in the first bombing, the investigative response included the APD, the ATF, the FBI, and the USPS. Given



the similarities in the modus operandi, investigators believed this incident was related to the explosion that occurred on March 2.

While working the scene of the second bombing, a third bombing occurred. At 11:49 am on March 12, Esperanza Herrera, a 75-year-old Hispanic female located a package in front of her residence in Southeast Austin. When she picked up the package, it exploded causing her critical injuries. We split the investigative teams since we now had two bombing scenes working simultaneously, with members of all agencies at both scenes. Based on similarities in the modus operandi and bomb components, investigators believed this incident was related to the previous two bombings.

The fourth bombing occurred on March 18 at 8:30 pm on a residential street in Southwest Austin. This bombing signaled a dramatic change in the initiation method in that it was concealed next to a sidewalk and activated by a trip-wire. While the first three explosions were the result of a package being left at a specific home, this bombing did not appear to target a specific person or address. Investigators again believed this incident was related to the previous three bombings based on similarities in components. Two Caucasian males who we have not identified publicly were seriously injured as they activated the trip-wire and were struck by shrapnel from the explosion. As in the previous incidents, the on-scene investigation was conducted cooperatively between APD, ATF, and the FBI.

On March 19 at 11:36 pm a bomb exploded in the Fed Ex ground facility in Schertz, Texas. The bomb was contained in a package that exploded as it went down the conveyor belt. An unnamed Fed Ex employee working in the facility at this time suffered non-life threatening injuries from the blast wave. Since this scene was outside the jurisdiction of APD, it was processed by the FBI and the ATF. The on-scene investigation showed similarities to the bombings that had occurred in Austin and investigators believed it was related. Further investigation revealed the package had been mailed from an Austin-area Fed Ex store and was addressed to a location in Austin. The shipping route had the package process through the Schertz facility. Investigators were able to retrieve evidence believed to show the suspect dropping off two packages at the Fed Ex store in Austin.

Investigators tracked the second package to a Fed Ex ground facility located in Southeast Austin. Upon examination, it was found to contain a bomb. The Austin Police Bomb Squad, along with bomb technicians from ATF, the Houston Police Department, and the San Antonio Police Department responded to the warehouse and were able to render the device safe. The bomb located at this facility shared the same characteristics as the previous five located in Austin and Schertz.

The final explosive device involved in this bombing spree was the one the bomber detonated as Austin Police SWAT officers attempted to take him into custody in the early morning hours of March 21. That explosion injured one officer and caused fatal wounds to the bomber. The Medical Examiner ruled his death a suicide. Upon examination, that bomb shared many similarities with the earlier bombs in this spree.

#### JOINT COMMAND

With APD as the lead law enforcement agency on the case, they worked together with the FBI, the ATF, the USPS, and the Texas Department of Public Safety (DPS) to conduct the operation from a joint command center at the Combined Transportation Emergency Communications Center (CTECC), located in Austin, Texas. The command center was established directly following the two explosions that took place on March 12. The overall investigation was coordinated through the command center, and senior members of all agencies were present at the center throughout the investigation to ensure information sharing and timely decision making. The Unified Command Group held daily briefings at 8 o'clock am and 5 o'clock pm to brief out the events that occurred during the previous operational period.

The ATF's National Response Team operated from the center and handled the documentation and processing of leads as they were received. Additionally, a case squad room was established for the FBI and a legal affairs room was set up for the Travis County District Attorney's Office and the United States Attorney's Office. An additional room was set up for agents to write their reports as they closed out each lead.

In addition, the U.S. Marshall's Service (USMS) assisted in the field. The APD Tactical Intelligence unit is part of the USMS Lone Star Fugitive Task Force and they assisted with investigation and surveillance.

## RESOURCES

In total, there were hundreds of Federal agents on the ground in Austin during the serial bombing investigation and an additional 100 State Troopers.

APD assets and personnel utilized during the bombing investigation included:

- The Homicide Unit deployed 17 personnel to work on the serial bombing murders.
- The Special Weapons and Tactic Unit (SWAT) deployed 24 personnel to assist with tactical planning and the apprehension of the suspect.
- The Explosive Ordinance Division (EOD) deployed 12 personnel to handle suspicious package calls, assist with on-scene post blast investigation, and render the sixth bomb safe at the Fed Ex warehouse in Austin.
- The Explosive Ordinance Division (EOD) utilized a large number of assets in this process, many of which were purchased through Homeland Security grant funding. Equipment used included the APD Bomb Squad Response Trucks, Remotec HD2 Robots, Logos X-Ray Systems, Nano X-Rays Systems, XR 150 and 200 X-ray source generators, Tactical Bomb Technician gear, EOD 10 Bomb Suits, and Render Safe equipment.
- The Air Support Unit (ASU) deployed 8 personnel to provide assistance with aerial surveillance and scene processing
- The Austin Regional Intelligence Center (ARIC) and Tactical Intelligence Unit deployed 32 personnel to assist in tracking down leads and providing background information on possible suspects. The team included 22 commissioned officers and 10 analysts. The Tactical Intelligence Unit is part of the U.S. Marshall's Lonestar Fugitive Task Force, and this team ultimately located the bomber based on information provided by the FBI.
- The Organized Crime Division (OCD) deployed 13 personnel to assist with surveillance operations.

ATF assets and personnel that supported the Austin bombing investigation included:

- ATF dispatched more than 100 special agents, chemist, engineers, and intelligence analysts.
- ATF's National Response Team (NRT) responded with 33 personnel, including 7 Certified Explosive Specialists (CES), 4 Certified Fire Investigators, 3 Chemist, 1 Engineers, and 2 Intelligence Research Specialists. A second NRT team was also deployed to support investigation, which consisted of an additional 35 personnel.
- In addition to the NRT, ATF has 77 additional field Agents. This consisted of 57 Special Agents, 14 Special Agent Canine Handlers and 6 Intelligence Research Specialists on scene for a total of 145 ATF personnel on scene.

The FBI had 400 personnel and a large number of assets supporting the Austin bombing investigation. These included:

- FBI Critical Incident Response Group (CIRG) deployed approximately 108 personnel, to include:
  - (1) Behavioral Analysis Unit personnel.
  - (2) Information Technology Support (ITS) personnel.
  - (8) Crisis Management Specialists (CMS).
  - (62) Surveillance Operations Group (SOG) personnel.
  - As many as 32 Special Agent Bomb Technicians (SABT) were deployed by the FBI to augment APD and the San Antonio Police Department (SAPD).
  - (2) FBI aircraft and seven (7) crew members.
  - Approximately 16 SWAT members were deployed to support the investigation.
  - (5) Electronic Technicians (ET's) and four (4) mobile command units.
- FBI Science and Technology Branch deployed:
  - As many as 70 Evidence Response Team members, including team members from 9 other field offices.
  - (2) Evidence Control Tech personnel.
  - (12) Computer Analysis Response (CART) personnel and 3 CART mobile labs, including 2 from other field offices.
  - (3) Technical Hazards Response Unit personnel.
  - Operational Technology Division (OTD) personnel.
- A total of 9 Intelligence Support personnel were deployed from other FBI field offices.
- A total of 4 Office of Public Affairs personnel provided support with 2 from other field offices.
- Additional support was provided by FBI Headquarters Criminal Division to include 24 Digital Imaging and Video Recovery (DIVRT) members from 8 different FBI field offices.

- FBI San Antonio Field Office sent 5 members of its Executive Management team and the Houston Field Office sent its Special Agent in Charge (SAC).

In addition to the FBI and ATF assets, the USPS brought in additional personnel and equipment to assist with the high volume of suspicious package calls in the Austin region. The Texas DPS also assisted by assigning 100 State Troopers to Austin to assist with calls for service and other law enforcement duties. Additional Bomb Squad teams from the Texas DPS, the Houston Police Department, and the San Antonio Police Department also assisted APD during this investigation. The Austin Fire Department and Austin/Travis County Emergency Medical Services also played key roles at each bombing scene. The operation was also coordinated with and provided support by the Pflugerville Police Department during search warrant execution at the bomber's residence, and the Round Rock Police Department during the takedown of the bomber.

#### CRITICAL ACCOMPLISHMENTS

- The Austin Police Department Explosive Ordinance Division (EOD) responded to 569 incidents and the Explosive Detection K-9's responded to 195 incidents where patrol officers were unable to safely deem a package non-hazardous.
- APD received a total of 2,510 suspicious package calls from March 2 to March 29, 2018.
- The Austin Police Department Tactical Intelligence Unit (members of the U.S. Marshall Task Force) found the bomber in Round Rock once his location had been established by the FBI. This allowed the APD SWAT to conduct a vehicle assault.
- The Austin Police Air Support Unit (ASU) deployed to 4 bomb investigation scenes and successfully coordinated with ground surveillance units when the suspect was located in Round Rock, Texas. The ASU kept the suspect within sight and provide ground surveillance teams with tactical updates on locations, traffic, pedestrians, and vehicles.
- The Austin Regional Intelligence Center (ARIC), comprised of 21 public safety agencies, and the Austin Police Department Tactical Intelligence Unit brought their full complement of personnel to bear during the Austin Bombing Investigation. ARIC personnel operated from both their center and the joint command center and they assisted with working tips, gathering intelligence, coordinating efforts between agencies, assisting APD Homicide, and processing information that came in from the Fusion network.
- The Austin Police Special Weapons and Tactics Unit (SWAT) partnered with the FBI and the ATF tactical assets in the planning for several search warrants throughout this operation. Once the bomber was located in Round Rock, Texas, and went mobile, the APD SWAT team conducted a tactical stop on the bomber's vehicle. During the stop, the bomber detonated a bomb inside his vehicle. The explosion fatally injured the bomber and caused minor injuries to a SWAT team officer.
- The Austin Police Homicide Unit worked cooperatively with the FBI and the ATF on the homicide and bombing investigations. The APD Homicide Unit was the lead investigative unit and responsible for overall crime scene management. This included coordinating resources, working two active homicide investigations from the joint command center, crime scene response, hospital response, evidence recovery at 11 separate crime scenes, and interviews of numerous witnesses and victims.
- The Austin Police Homicide unit worked with the ATF, the Travis County District Attorney's Office, and the Assistant U.S. Attorney's Office in securing arrest and search warrants for the bomber and his residence.
- FBI Evidence Response Teams participated in the collection of evidence at 11 crime scenes.
- FBI SWAT assisted APD in executing a warrant at the bomber's residence in Pflugerville, Texas. A significant amount of explosive materials and other bomb components were located in the residence.
- FBI's investigative efforts resulted in the location of the bomber in his vehicle, which enabled APD's Tactical Intelligence unit to respond to the scene and contain him. This kept him from entering the highway and injuring others.
- FBI's 9 surveillance teams conducted 24/7 surveillance of several suspects, including the bomber, during the investigation.
- ATF and FBI collected over 564 pieces of evidence at the bombing scenes. The evidence was sent to the ATF National Laboratory in Ammendale, Maryland for forensic analysis.

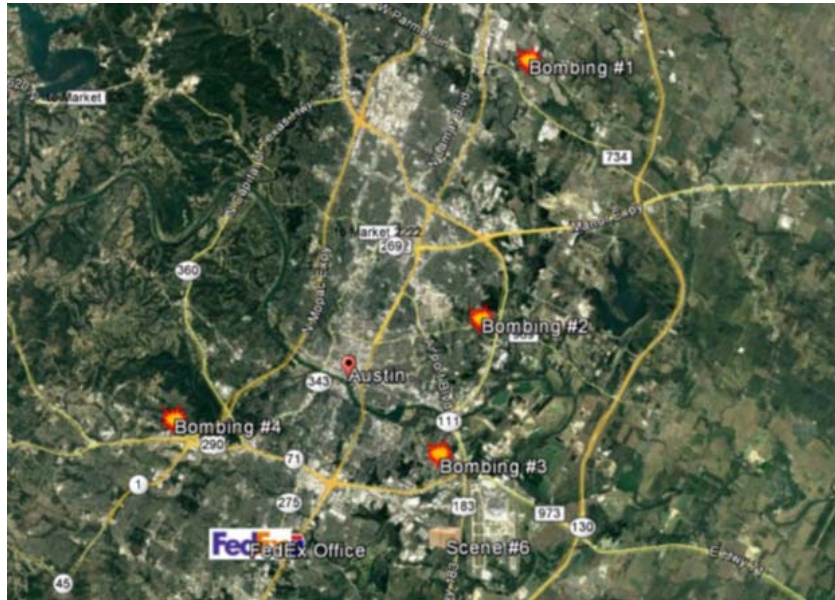
- ATF completed over 429 reports of investigations since the first incident on March 2, 2018.
- Over 400 leads were vetted/investigated. Additional leads will continue to be logged, tracked, and investigated by APD, the ATF, and the FBI.
- ATF victim-witness coordinators assisted APD Victim Services counselors and remained in contact with victims and their families throughout the investigation.
- U.S. Attorney's Office remains in contact with the Travis County District Attorney's Office and offered to make all Federal resources available as needed.
- ATF agents worked with the Travis County District Attorney's Office, and the Assistant U.S. Attorney's Office in securing the search and arrest warrant affidavits for the arrest of the bomber and the search of his residence.

#### CONCLUSION

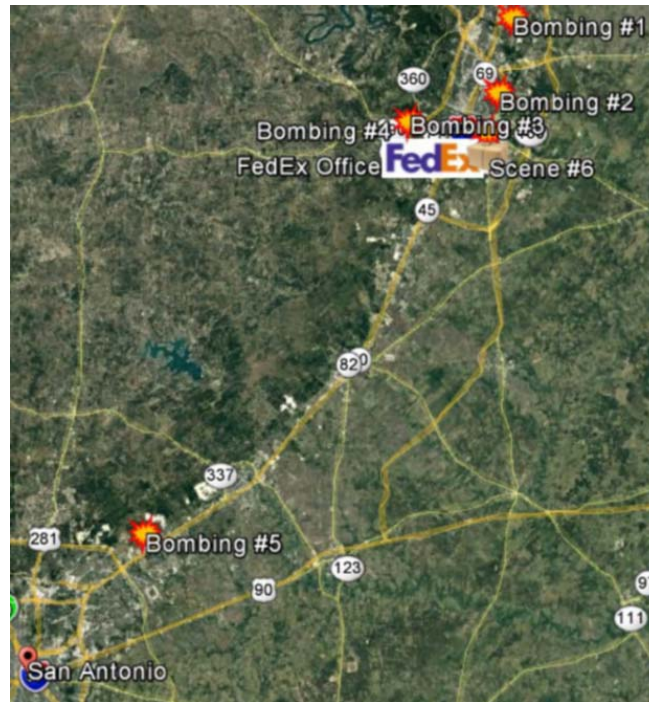
The serial bombing spree that occurred in Austin, Texas would have overwhelmed the resources of not only APD, but most major city police departments across the country. The tremendous assistance from the FBI, the ATF, the USPS, the USMS, the Texas DPS, and other local agencies was integral in bringing this attack on Austin to quick resolve. The cooperation among all agencies is also of note as everyone worked together constructively and collaboratively, avoiding any "turf" issues that could have slowed the operation and left the Austin community at risk for a longer period of time.

Austin will continue to be the vibrant and inviting city we were before these attacks, but we are forever changed. We will not forget the lives of Anthony House or Draylen Mason, senselessly taken by the serial bomber. We will also not forget the importance of remaining vigilant and looking out for one another's safety and well-being.

#### AUSTIN BOMBING LOCATIONS



## SCHERTZ BOMBING LOCATION



Chairman McCAUL. Thank you, Chief Manley, and thank you for your service. You provide the leadership necessary. All eyes of the Nation were on you, and you performed magnificently.

Chair now recognizes Commissioner Evans for his testimony.

**STATEMENT OF WILLIAM B. EVANS, COMMISSIONER, BOSTON  
POLICE DEPARTMENT, BOSTON, MASSACHUSETTS**

Mr. EVANS. Thank you, Chairman McCaul and Ranking Member Thompson. Again, I am Commissioner Evans. I have been with the Boston Police Department for 38 years. I have been the commissioner for 4½ years.

I want to thank the Members on behalf of Mayor Walsh and myself. I want to thank you for asking me to participate in this hearing today. My full testimony has been submitted to you for the record and with the permission I would like to make a few opening remarks.

First of all, I would like to take a moment to remember fallen Yarmouth, Massachusetts police officer Sean Gannon. He was killed in the line of duty serving a warrant last Thursday, him and his K-9 dog was also shot. He is being laid to rest today. Last night I was at his wake. We had thousands of officers, but again, it goes to the dangers of being in this profession. So I would like to recognize him.

As I reflect on the 5th-year anniversary of the bombing of the Boston Marathon on April 15, 2013, which was 2 days ago, the im-

portance of collaboration between Federal, State, and local law enforcement partners is only reaffirmed. The same is true for the importance of communication between law enforcement, our public and private partners and the communities we serve.

As we watch events unfold across the country, it is clear that the timely sharing of information is at the center of a successful police and community response. This is so true for the recent bombings in Austin, Texas, which remind us all of how quickly tragedy can descend upon innocent citizens and cause senseless injury and death.

This includes 39-year-old Stephan House who was killed on his front porch, 17-year-old Draylen Mason, who was killed by a package at his home while his mother was badly injured, and many others who were injured by the package bombs from, at that time, an unknown enemy.

These tragic events all are too reminiscent of the Boston tragedy my city suffered during the 2013 marathon, including a lockdown and exhaustive manhunt by law enforcement, not knowing if or when the next attack might occur. While watching the news reports from Austin during this time, I understood and could relate to the police and the community's concern as an unidentified threat impacted their neighborhoods.

Like Boston, the residents of Austin stood strong in the face of adversity while its local leaders, including my co-panelist, Chief Brian Manley of the Austin Police Department and other Texas representatives, stood with one voice, one message, working to ease public tension while hunting for the killer.

Also, in the aftermath of the marathon bombing, I knew that behind the scenes there was a team of men and women working around the clock to gather information and investigate leads while sharing the information across multiple law enforcement agencies, all with the common purpose to capture the suspect that was causing such distress and harm to our city.

Ever since 9/11, information sharing between agencies both large, small, local, State and Federal has been the benchmark for successful prevention and response to threats. Trusting in open communications between law enforcement and Federal partners are crucial to keeping our communities safe. I have witnessed the benefits of this type of information sharing first-hand, and it continues to improve the success of our agencies every day.

At the center of these successful partners is this timely sharing of pertinent information. Chief Manley immediately responded to the events in Austin with the FBI, the ATF, joining him to work side-by-side during the investigation. As soon as the bombs went off in Austin, a network of information and data sharing was under way.

These communications include facts of what was taking place in order to keep the community appeared appropriately, while also searching for similarities to other events in the area. Including in this intel network was the Austin Regional Intelligence Center, 1 of 7 centers in Texas and 78 across America under the Department of Homeland Security.

The center began gathering and sharing intel in order to assist investigators on the street and across our Nation. One of the early

information law enforcement bulletins distributed by the Texas Joint Crime Information Fusion Center, even the source is the Boston Regional Intelligence Center and a situational awareness bulletin on our approach to the explosive devices. This was developed through a bulletin that we all shared.

The FBI San Antonio Office was also forwarding situation awareness bulletins across the country and to Boston. A long list of local, State, and Federal partners kept communications channels opened across the country. This list included the FBI, Office of Partner Engagement, the Department of Homeland Security, who continually shared information across the country.

This network was especially important after an explosion was identified at the FedEx location 60 miles from Austin. The possibility that multiple explosions could have been shipped across the country was worthwhile for a lot of us. This allowed all jurisdictions to prepare should something come to the Boston area.

In the end, Austin authorities, along with Texas State assets, FBI, ATF, ultimately captured the suspect. But even here, although the threat was gone, the need for information didn't stop, and Texas leadership came together again to provide us with an overview of what occurred. This education will assist us all going forward.

Another one of the most important aspects of successful information sharing is keeping everyone involved: See Something, Say Something. In Boston we had a long history of great relationship with our law enforcement partners, especially responding to critical assets.

In Boston recently we had an incident where a New England Patriot, Julian Edelman, received a threat on-line. Our detectives were notified. We reached out to the Michigan Police Department and we were able to bring that person into custody before he threatened to shoot up a school, which shows the importance of informational sharing.

This is why relations and information sharing is so crucial. It saves lives. Thank you again for the opportunity to speak today. I look forward to questions. Thank you.

[The prepared statement of Mr. Evans follows:]

PREPARED STATEMENT OF WILLIAM B. EVANS

APRIL 18, 2018

On behalf of Mayor Martin Walsh and myself, I want to thank the committee for asking me to participate in this hearing today. I would like to take a moment to remember fallen Yarmouth Police Officer Sean Gannon. Officer Gannon was killed in the line of duty last week and our hearts are with his family, friends, and fellow officers as he is laid to rest today.

As I reflect on the Five-Year Anniversary of the Bombing of the Boston Marathon on April 15, 2013, the importance of collaboration between Federal, State, and local law enforcement partners is only reaffirmed. The same is true for the importance of the communication between law enforcement, our public and private partners, and the communities we serve.

As we watch events unfold across the country, it is clear that the timely sharing of information is at the center of a successful police and community response. This is so true for the recent bombings in Austin Texas, which remind us all of how quickly tragedy can descend upon innocent citizens and cause senseless injury and death. This includes 39-year-old Stephan House, who was killed on his front porch; 17-year-old Draylen Mason, who was killed by a package in his home while his

mother was badly injured; and the many others who were injured by the package bombs from, at the time, an unknown enemy.

These tragic events are all too reminiscent of the bombing my city suffered during the 2013 Boston Marathon, including a lockdown and an exhaustive manhunt by law enforcement not knowing if or when the next attack might occur. While watching the news reports from Austin during this time, I understood and could relate to the police and the community's concern as an unidentified threat impacted their neighborhoods. Like Boston, the residents of Austin stood strong in the face of adversity while its local leaders, including my co-panelist Chief Brian Manley of the Austin Police Department, and other Texas representatives spoke with one voice, one message, working to ease the public tension while hunting for a killer. Also, like in the aftermath of the Marathon Bombing, I knew that behind the scenes there was a team of men and women working around the clock to gather information and investigate leads while sharing that information across multiple law enforcement agencies, all with the common purpose of capturing the suspect that was causing such distress and harm to the city.

Ever since September 11, 2001, information sharing between agencies, both large and small, local, State, and Federal, has been the benchmark for successful prevention and response to threats. Trusting and open communications between local and Federal partners are crucial to keeping our communities safe. I have witnessed the benefits of this type of information sharing first-hand and it continues to improve the success of our agencies every day.

At the center of these successful partnerships is this timely sharing of this pertinent information, as shown by Chief Manley's immediate response to the events in Austin, with the FBI and ATF joining him to work side-by-side during the investigation. As soon as the bombs went off in Austin, a network of information and data sharing was under way. These communications included the facts of what was taking place in order to help other communities prepare appropriately while also searching for similarities to other events in order to gather necessary intelligence to identify possible suspects. Included in this intel network was the Austin Regional Intelligence Center, 1 of 7 centers in Texas and 78 across America under the Department of Homeland Security umbrella. The Center began gathering and sharing intelligence in order to assist investigators out on the street and across our Nation.

One of the early information law enforcement bulletins distributed by the Texas Joint Crime Information Fusion Center even sources a Situational Awareness bulletin on approach to explosive devices disseminated by the Boston Regional Intelligence Center (BRIC) months earlier. The FBI San Antonio office was also forwarding Situational Awareness bulletins across the country, informing agencies and asking them to contact the office with any information on any similar types of suspicious activities or threats.

A long list of local, State, and Federal partners kept the communication channels open. This list included the FBI Office of Partner Engagement and the Department of Homeland Security, both continuing to engage with, and inform local law enforcement Nation-wide in the event of threat to those communities. This network was especially important after an explosive was identified at the Fed Ex location 60 miles from Austin. The possibility that multiple explosive packages could have been shipped across the country again confirmed the importance of knowledge shared among multiple jurisdictions. This allowed law enforcement to prepare, including what to look for and how to respond, should a similar threat come into their city.

In the end, Austin authorities, along with Texas State assets, the FBI and ATF, located a suspect who ultimately took his own life with his own explosive device. Although the threat was gone, the need for information did not stop and the Texas leadership came together again to provide an overview to multi-jurisdictional partners, including a time line and synopsis of the events. This education in the aftermath will assist all law enforcement if faced with this type of unfortunate event in the future. I commend these local, State, and Federal responders. Our communities are safer as a result of your efforts.

Another one of the most important aspects of successful information sharing is keeping public and private partners informed, with one of the most basic steps being:

*See Something, Say Something.*

The Department has developed a comprehensive information-sharing partnership with our public and private-sector stakeholders called BRIC Shield. There are more than 1,000 stakeholders from the private sector and non-governmental organizations across the Metro Boston Region registered to receive and share information through BRIC Shield for public safety and homeland security purposes. The information shared includes the latest crime bulletins, pattern, and trend analysis of criminal



activity in the region, international, National, and regional analysis of homeland security incidents and threats as they relate to the region, real-time alerts and situational awareness updates.

To further ensure the continuous flow of information, the Department has officers assigned to the National Network of Fusion Centers, the Joint Terrorism Task Force, the International Association of Chiefs of Police Committee on Terrorism, the Major City Chiefs Intelligence Commanders Group, and the National Operations Center. The Department's representation within these organizations and committees further supports the continuous flow of information among our law enforcement partners.

In Boston, we have a long history of great relationships with our law enforcement partners, as well as our community, whom we often train with for better critical responses. Not only does the Department coordinate with the community to solve crime, but coordination with our law enforcement and private partners is an integral part of our success. The Department participates in Urban Shield Boston—a multi-agency training exercise funded by the Department of Homeland Security designed to enhance the skills and abilities of our region's first responders, as well as those responsible for coordinating and managing large-scale incidents, and other members of the community. Similarly, in June 2016, the Department, in collaboration with the Boston Red Sox, the Department of Homeland Security, and the United States Army Armament Research, Development and Engineering Center, conducted a multijurisdictional counterterrorism exercise at Fenway Park. The objective of the training exercise was to prepare law enforcement officials, first responders, and Fenway Park personnel in emergency procedures and protocols in the event of a mass emergency.

The Department's relationship with the community, and its ability to maintain a steady flow of information sharing with the public, is further enabled by our use of social media. In the days following the Boston Marathon Bombing in 2013, the Department used social media to inform the public without inciting fear, to instruct the residents on what to do, and to instill a feeling of safety within the community. This method of communication proved invaluable during such a difficult time in Boston. Social media, including Twitter, Facebook, and Instagram, coupled with the Department's website, BPDNews.com, has allowed me to increase transparency and information sharing by posting the results of internal affairs investigations, seeking the identity of persons of interest and suspects in criminal activity, and seeking the community's assistance in locating missing persons.

An example of the importance of community in information sharing can be seen in a recent incident brought to our attention by Mr. Julian Edelman, a wide receiver for the five-time World Champion New England Patriots. Mr. Edelman was made aware of a post on his personal Instagram account relative to a person threatening to shoot up a school. Mr. Edelman notified his assistant to contact authorities and the Boston Police Department was notified and responded. Boston Police Detectives Autio and McKeon and Sergeant Detective Kenny O'Brien in his last days on the job investigated the incident and notified the Port Huron Police Department of the suspect's information. The BRIC also transmitted information to the Michigan Intelligence Operations Center and shared the same with our Federal partners for information purposes. Based on the Boston Police Department's follow-up, the Port Huron Police Department was able to locate and take the suspect into custody, thereby potentially preventing a catastrophe from taking place in their city.

Chairman MCCAUL. Thank you, Commissioner Evans.

The Chair now recognizes Chief Newsham for his testimony.

**STATEMENT OF PETER NEWSHAM, CHIEF OF POLICE, WASHINGTON METROPOLITAN POLICE DEPARTMENT, TESTIFYING ON BEHALF OF THE MAJOR CITIES CHIEFS ASSOCIATION**

Chief NEWSHAM. Good morning, Chairman McCaul, Ranking Member Watson Coleman, and Members of the committee. My name is Peter Newsham. I am the chief of police for the Metropolitan Police Department here in Washington, DC. I am pleased to appear here today representing the Major Cities Chiefs, an association of police chiefs of the largest jurisdictions in the United States and Canada.

We thank you for convening this hearing on a topic of critical importance to the safety of the people we protect and serve. Although we lead law enforcement agencies in the major urban areas of the United States, we know that law enforcement and agencies of all sizes share the same concerns about the threat of violent extremists and terrorism. There is no higher priority than coming together to share perspectives and lessons learned that may help prevent these tragedies and protect our communities.

To that end, the Major Cities Chiefs has worked closely with the Department of Justice, including the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco, Firearms, and Explosives, as well as the Department of Homeland Security and other Federal agencies to strengthen information sharing since the Boston Marathon attacks. Today we will report on progress and discuss next steps in our joint efforts.

Collectively, all of our agencies realized a very real threat of lone-wolf attackers. Lone wolves can be individuals radicalized by various ideologies at home or abroad, or may simply be someone facing a significant and untreated mental health issue. As we know, foreign and domestic extremist organizations have made headway in recruiting through the internet and other wide-spread propaganda.

Information from our Federal partners who track those who travel overseas for terrorist training, indicates a decline in such travel. At the same time, however, we have seen a growing threat from violent domestic extremists who are motivated by hate and bias. This makes the role of local communities and law enforcement all the more important.

One of our challenges is being able to identify individuals in the United States who have been radicalized through various forms of propaganda, and harder still to determine which pose an immediate public threat. Given the significant threat from lone-wolf extremists, one of the most important tools in combatting them is local information.

One common thread running through tragedies in recent years is that there have been warning signs that could be reported by the public and should be recognized by local and Federal law enforcement. All too often, conversations about warning signs happen only after a tragedy occurs.

We need systems in place to learn from neighbors, schools, employers, co-workers, and family members about persons who pose a threat, and we must pay attention to these warnings. For this reason, Major Cities Chiefs developed and piloted the Suspicious Activity Reporting Program, or SARS, that is now a permanent program at DHS.

SARS was designed to provide information to the FBI threat database, eGuardian. Major Cities Chiefs considers the SARS program to be the cornerstone of our information gathering from the community and believes it should remain a top priority for local and Federal law enforcement. We appreciate this committee's support of this significant initiative.

But there may be other effective tools for recognizing threats being developed in our communities. While law enforcement executives rely on our networks to identify programs, Federal support to

identify and disseminate technical assistance about innovative and best practices is vital.

For instance, there is a growing move to pass State legislation that supports red flag laws. The Major Cities Chiefs supports and encourages these laws that would provide family and community members with an avenue for seeking court-ordered emergency risk protection orders to allow for the removal of firearms from individuals that pose a threat to our communities.

While these programs rely on locally-driven efforts, information sharing always needs to be a two-way street. Local agencies can be the eyes and ears to gather information from local communities. Federal agencies, for their part, must share it with local law enforcement, intelligence, and other resources.

I will highlight just some of the ways that Federal agencies provide critical support for our work in communities. Following the Boston attack in hearings held by this committee, Major Cities Chiefs engaged with the FBI to review and change a number of policies and procedures. The common purpose of these efforts was to remove barriers to sharing information that could prevent an incident of mass violence.

Over a period of months, the FBI considered and approved a comprehensive set of measures to expand participation by local agencies in regional Joint Terrorism Task Force operations and to fully share all case information and threat intelligence. This resulted in barriers coming down.

Specific areas of improvement included increasing local access to Classified information, expanding responsibilities for local personnel assigned to JTTFs, regular briefings for local agencies on threat intelligence and case activities, and fully embedding local personnel in all aspects of daily JTTF operations.

Major Cities Chiefs has also joined with Major County Sheriffs to form a network of senior intelligence officers from every urban area, an organization without precedent in this country.

Each jurisdiction has designated an intelligence commander. Working as a team, these intelligence commanders exchange information and share intelligence about threats, prevention, and response. We coordinate these efforts with the JTTF in each urban area, the fusion centers and DHS.

Major Cities Chiefs appreciates the support of the FBI and DHS for the Intelligence Commanders network, which is a critical component of Major Cities Chiefs' Criminal Intelligence Enterprise. The CIE aims to better integrate local criminal intelligence and counterterrorism operations.

The effort leverages existing networks, such as the JTTF and fusion centers, to improve connectivity between State and local enforcement resources. Major Cities Chiefs is also very excited that the FBI has formally joined with us to establish a common automated platform called the Threat Reporting Priorities. The FBI has sponsored both development and maintenance of the platform, as well as training our personnel.

Later this month, DHS and the FBI will host a meeting in Houston to move this initiative forward. These are just a few of the ways that Major Cities Chiefs and local and Federal law enforcement work together to protect our communities.

While great strides have been made, we recognize that it is not enough. Recent tragedies are a grim reminder that there is still much work to do. Major Cities Chiefs plans to meet with FBI Director Christopher Wray and executives to review current JTTF and eGuardian policies to determine how we can further strengthen information sharing.

Major Cities Chiefs plans to evaluate common policies and procedures, threat briefings for urban areas, the role of local police personnel, reporting threat intelligence and intelligence operations.

In closing, I would like to thank the Chairman, the Ranking Member, and the committee for your strong support of local law enforcement. We know you share our commitment to evaluating and implementing policies and programs that will strengthen the partnership between local law enforcement and Federal partners.

Collectively, we are all sworn to serve and protect our communities. That is a responsibility which I am sure will guide all of our efforts. Thank you, and I am available to take any questions that you have.

[The prepared statement of Chief Newsham follows:]

PREPARED STATEMENT OF PETER NEWSHAM

APRIL 18, 2018

Good morning, Chairman McCaul, Ranking Member Thompson, and Members of the committee. My name is Peter Newsham, and I am the chief of police of the Metropolitan Police Department in the District of Columbia. I am pleased to appear before you today representing the Major Cities Chiefs, an association of Police Chiefs of the largest jurisdictions in the United States. We thank you for convening this hearing on a topic of critical importance to the safety of the people we protect and serve. Although we lead law enforcement agencies in the major urban areas of the United States, we know that law enforcement in agencies of all sizes share the same concerns about the threat of violent extremists and terrorism. There is no higher priority than coming together to share perspectives and lessons learned that may help to prevent these tragedies and protect the communities we serve.

To that end, the Major Cities Chiefs (MCC) has worked closely with the Department of Justice (DOJ), including the Federal Bureau of Investigation (FBI) and the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), as well as the Department of Homeland Security (DHS), and other Federal agencies to strengthen information sharing since the Boston marathon attacks. Today we will report on progress and discuss next steps in our joint efforts.

Collectively, all of our agencies realize the very real threat of the lone-wolf attackers. Individuals may be radicalized by various ideologies at home or abroad, or may be facing significant and untreated mental health issues. Foreign and domestic extremist organizations have made headway in recruiting via the internet and wide-spread propaganda. While Federal agencies may track many of those who go overseas for terrorist training, we have seen a decline in travel for formal training. At the same time, we have seen a growing threat from violent domestic extremists who are motivated by hate and bias. This makes the role of local communities and law enforcement all the more important. It is challenging to identify individuals in the United States who have been radicalized through various forms of propaganda, and harder still to determine which pose a public threat.

Given the significant threat from lone-wolf extremists, one of the most important tools in combatting them is local information. One common thread through tragedies in recent years is that there have been warning signs that could be reported by the public and should be recognized by local and Federal law enforcement. All too often, conversations about warning signs happen only after a tragedy occurs. We must have a system in place to learn about persons who pose a threat from neighbors, schools, employers, co-workers, and family members, and we must pay attention to these warnings.

For this reason, MCC developed and piloted the Suspicious Activity Reporting Program (SARS) that is now a permanent program at DHS. SARS was designed to provide information to the FBI threat database, E-Guardian. MCC considers the

SARS program to be the cornerstone of our information gathering from the community, and believes it should remain a top priority for local and Federal law enforcement. We appreciate your support of this significant initiative.

But there may be other effective tools for recognizing threats being developed in our communities. While law enforcement executives like myself rely on our networks to identify programs, Federal support to identify and disseminate technical assistance about innovative and best practices is vital. For instance, there is a growing move to pass State legislation that supports “red flag” laws. The MCC supports and encourages these laws that would provide family and community members with an avenue for seeking court-ordered emergency risk protection orders to consider removing firearms from individuals that pose a threat to the community. This is different than current tools that rely on a specific risk to a targeted individual.

While these programs rely on locally-driven efforts, information sharing is a two-way street. Local agencies can be the eyes and ears to gather information from local communities. Federal agencies, for their part, must share with local law enforcement intelligence from other sources. I will highlight just some of the ways that Federal agencies provide critical support for our work in communities.

Following the Boston attack and hearings held by this committee, MCC engaged with the FBI to review and change a number of policies and procedures. The common purpose of these efforts was to remove barriers to sharing information that could prevent an incident of mass violence. Over a period of months, the FBI considered and approved a comprehensive set of measures to expand participation by local agencies in regional Joint Terrorism Task Force (JTTF) operations and to fully share all case information and threat intelligence. This resulted in barriers coming down. Specific areas of improvement included increasing local access to Classified information, expanding responsibilities for local personnel assigned to JTTFs, regular briefings for local agencies on threat intelligence and case activities, and fully embedding local personnel in all aspects of daily JTTF operations.

Major Cities Chiefs has also joined with Major County Sheriffs to form a network of senior intelligence officers from every urban area, an organization without precedent in this country. Each jurisdiction has designated an Intelligence Commander. Working as a team, these Intelligence Commanders exchange information and share intelligence about threats, prevention, and response. We coordinate these efforts with the JTTF in each urban area, the Fusion Centers, and DHS.

MCC appreciates the support of the FBI and DHS for the Intelligence Commanders Network, which is a critical component of MCC’s Criminal Intelligence Enterprise (CIE). The CIE aims to better integrate local criminal intelligence and counterterrorism operations. The effort leverages existing networks such as the JTTF and fusion centers, to improve connectivity between State and local law enforcement resources. The FBI has formally joined with us to establish a common automated platform, called the Threat Reporting Priorities (TRP). The FBI has sponsored both development and maintenance of the platform, as well as training our personnel. Later this month, DHS and the FBI will host a meeting in Houston to move this initiative forward.

These are just a few of the ways that MCC, and local and Federal law enforcement work together to protect our communities. While great strides have been made, it is not enough. Recent tragedies are a grim reminder that we are not done yet.

Major Cities Chiefs plans to meet with FBI Director Christopher Wray and executives to review current JTTF and E-Guardian policies to determine how we can further strengthen information sharing. The MCC plans to evaluate the following areas:

- *Common Policies and Procedures.*—Chiefs and the FBI must ensure clear and consistent National policies and procedures to support effective intelligence and case information sharing within and between urban area JTTFs and the appropriate local agency heads.
- *Threat Briefings for Urban Areas.*—Regular Classified threat briefings should be conducted by Federal agencies to cover any and all intelligence concerning threats to the major cities, including opening and closing cases.
- *Role of Local Police Personnel.*—Detectives, investigators, and analysts assigned to JTTFs must be fully embedded and have full access to threat intelligence and case information.
- *Reporting Threat Intelligence.*—Policies and practices must encourage, and not restrict, assigned local personnel and Federal agents to examine all intelligence databases and to report back to their agencies on potential threats to the community.
- *Intelligence Operations.*—Chiefs and the FBI should regularly assess how local intelligence units and fusion centers can support JTTF cases.

In closing, I would like to thank Chairman McCaul, Ranking Member Thompson, and the committee for your strong support of local law enforcement. We know you share our commitment to evaluating and implementing policies and programs that will strengthen the partnership between local law enforcement and Federal partners. We are all sworn to serve and protect our communities, a responsibility which must guide all of our efforts.

Chairman MCCAUL. Thank you, Chief Newsham.

I now recognize myself for questions. You know, I was a Federal prosecutor both before 9/11 and after. September 11 represented a very significant failure in intelligence and information sharing between the intelligence community, Federal law enforcement and State, resulting in the Twin Towers being brought down, the Pentagon being struck and this building, we believe, was the final target.

That is why this committee has formed. That is why the Department was formed, is to make sure that doesn't happen again. When the Boston bombing occurred, I have to say it raised serious questions about whether we were connecting the dots, whether this information sharing was working.

I had Commissioner Ed Davis testify before this committee, who told me that he knew nothing about an FBI guardian lead being open on Tamerlan Tsarnaev, that he knew nothing of the foreign intelligence warning. He knew nothing of his travels to Dagestan and back, even though a Customs flag went up on him. He knew nothing about the radical on-line postings.

In short, what he told me was that he didn't know he had a terrorist in his backyard, and he had two police officers on the Joint Terrorism Task Force. He said, "You know, if I had known that, just maybe I would have given him a second look."

Then the answer I got back at the Federal level was well, that case was closed and it wouldn't have made a difference. So I think it possibly could have, but we are not here to look backward. We are here to look forward.

Commissioner Evans and Chief Newsham, I think you have outlined some very good lessons learned since that time, but can you tell me what we have learned since that time and what you are doing? How that has improved since the Boston bombing?

Mr. EVANS. Sure, Chairman. I think the information sharing, at least since I have been commissioner, has improved so much. You know, if not weekly contact, sometimes daily contact with Hank Shaw, who is the special agent in charge. We have had a lot of events, whether they were free speech marches, like the week after Charlottesville, you know, constant daily contact about who was traveling where, what threats were to the city.

You know, just 2 days ago with the Boston Marathon bombing, you know, continually in touch with Hank on is there any threat to what is going on. Working with the Boston Regional Intelligence Center, as well as, you know, the JTTF, as well as the fusion centers, you know, we were pretty comfortable that we had a pretty secure event.

I think the communication, you know, the access to Guardian, that is all—really has improved. You know if we had a big anti-gun rally—like, everything we do now is through the State and our Federal partners.

I got to say, since Boston, I know there was some criticism of the FBI, but I don't see it right now. I think the communication has gotten so much better. It really has.

In anything, always I reach out to the special agent in charge and it is just almost daily communication. So I got to say sometimes, you know, there is some criticism, but even at the FBI—at the final takedown in Watertown, I ran that final scene. I tell the story that is not told that when it was very hectic, the H.R. team came up to me and they made clear, asking me, “Are you the man in charge? Are you the incident commander?”

I said yes. They said, “Well, every decision we are going to make from here on in is going to be through you.” Whether they are throwing smoke grenades or flashbangs, they didn't take over. They worked with us.

I think ever since that time, the relationship has got stronger, the communications has gotten better. So I see that things have really improved, especially on the anniversary of the 5-year bombing.

Chairman McCAUL. Thank you. I think one of the big improvements, I think, came from this committee's report. I commend the FBI for entering into memorandums of understanding——

Mr. EVANS. Right.

Chairman McCAUL. With the police chiefs so that their participants on the JTTF, that they can actually talk about it.

Mr. EVANS. Right.

Chairman McCAUL. I think that was a big breakthrough as a result. Chief, very briefly 'cause my time is running away.

Chief NEWSHAM. Yes, you know, I would just echo some of the comments that were made and to say that it has dramatically improved, the information sharing from the FBI. The members of my JTTF that interact with the bureau on a daily basis are frequently in my office bringing up instances that I need to be aware of in the event that we have to move resources to address those issues.

So I have noticed a dramatic improvement in the level of access that my task force officers have to information that the bureau has and then they immediately share that information. For larger issues that occur, there is a direct communication between me and the assistant director in charge over at the Washington field office.

Chairman McCAUL. Chief Manley, I think the Austin bombing, the way you handled it, your leadership represents how it is supposed to work. I think it represents the progress we have made since the Boston bombing as a country. I visited with ATF and, you know, I visited Steve McCraw, who is a hero of mine, and I also went over to the FBI field office to thank them and present a flag to over 50 agents.

It was remarkable the change of culture within the FBI that, you know, we were here to support the police chief. We are working hand-in-glove with him. They provided great technical analysis and data that I know really greatly facilitated your investigation. I thought what a sea change for the better.

Can you comment on that and I believe that what happened, while tragic in Austin, has become somewhat of a model, I think, looking forward?

Chief MANLEY. Yes, Mr. Chair. I would echo the comments of the commissioner and the chief as well on what we do in Austin. I won't spend time on that with the partnerships with JTTF and the information sharing that is absolutely taking place. But as we worked through the bombing spree in Austin, we formed a unified command and we had senior representatives.

If it wasn't Mr. Milanowski and Mr. Combs and myself, then it was our seconds that were present in that unified command center, so that we people that were capable, authorized, and willing to make the decisions that needed to be made. It was a constant sense of partnership.

There was never once a request or an attempt to move the overall investigation out of the purview of the police department. But instead, it was a sense of support and making sure that we had what we needed to have.

The events that took place in Austin would have overwhelmed any police department across this country, the largest included. To have the Federal assets come into town, to be able to go through the amount of data we were pulling, whether it was computer leads, whether it was video, everything that had to be pulled together to try and make that critical link, there was never a hesitation.

When needed, there were additional resources that were brought to bear. So the partnership, again, between the agencies, the agreement on the front end and, I think, the constant communication throughout the event is what, I think, we should model going forward for a community that would find themselves in this circumstance. Praying that they don't but, if they do, this absolutely worked.

I really do believe that in that command center that everyone left their initials at the door, whether that was FBI, ATF, APD, or the others that were there. Those initials were left at the door because we realized we had a community under siege and lives at risk. I really think that is the model going forward.

Chairman McCAUL. Yes, I couldn't agree more, and I think, sir, you certainly earned your stripes.

With that, let me recognize Ranking Member Ms. Watson Coleman.

Mrs. WATSON COLEMAN. Thank you, Mr. Chairman, and thank each of you for your testimony. It has been very helpful and enlightening. I am learning a lot and I really need to learn more, here.

Chief Manley, that was an incredible, was it 19 days of horror in your community and I know that we are very pleased that there was this collaboration and support and information sharing. I have a couple of questions, though, about why it took 19 days to find this particular individual.

So I would like to know, like, what was being shared between the first incident and the second incident, which is the 2nd to the 12th, that is different than what happened from the 19th to the 21st where we actually caught this individual.

Please understand this is not a criticism. I am just trying to figure out was there a way of, like, sort-of, compressing the time in



which we would have found what seems to be a rather unsophisticated and troubled individual.

Chief MANLEY. Yes, Congresswoman. So what happened on March 2, although we did not have reason to believe in that moment that this was part of a larger incident, what we had was a singular bomb that had taken the life of an individual, we still brought in the ATF. We still brought in the FBI and the U.S. Postal Service that day. On the 2nd, they were on the scene.

We actually sent all of the evidence with the ATF. We had them conduct the post-blast analysis, and we did not try and handle that within the resources of the police department, recognizing the severity of what had happened.

So in those interceding days between the 2nd and the 12th, when we had the two additional bombs that went off that day, there was a lot of work being done in the background.

There was ATF working to analyze the bomb components, again, hoping to find some type of either biological evidence that might link to a suspect or identify the components that were used to construct the device because then we would look to try and see where those were available and we work backward.

A lot of information was being gathered regarding purchases, regarding suspicious persons, and so all of that is being looked at in these interceding days. What happened on March 12th with the first bomb that went off, taking the life of Mr. Draylen Mason, is at that moment we realized that it would be too coincidental to have two isolated incidents and that this was a pattern.

So at that point, we put together that unified command, and we brought in a lot of additional personnel and we set up a command center. So it is not that there was a different approach. I think we then had the availability of a lot more evidence.

We now had two additional blast scenes to investigate, additional evidence was collected at both. Again, we started getting more tips 'cause these were now two additional neighborhoods that could tell us did they notice someone out of place? Did they notice something out of place? Two additional neighborhoods where we could go and retrieve video data from that we could analyze and look for suspicious persons or suspicious vehicles.

So I think the biggest change was with these additional scenes. It provided us additional evidence and additional potential witnesses that we were then able to feed into the larger system we had constructed back at the command center to try and collate all of this data.

Mrs. WATSON COLEMAN. So you had—excuse me. So you did have community people who saw something and said something. So that is a component of this, right?

Chief MANLEY. Absolutely. And the——

Mrs. WATSON COLEMAN. So——

Chief MANLEY. Go ahead.

Mrs. WATSON COLEMAN. OK.

Chief MANLEY. Yes, we did have community people that we canvassed each neighborhood after these incidents took place and we——

Mrs. WATSON COLEMAN. I am going to take up on a little bit of that right there. But I want to just ask sort-of a side question. Was

there any relationship information established between the bomber and the three residences?

Chief MANLEY. To this point, we do not have any connection between the bomber and the three residences——

Mrs. WATSON COLEMAN. Right.

Chief MANLEY. But instead it appears purely random. But I do want to say this is still an active investigation, and we still have a lot of records and computer files and all that are actively being analyzed just to make sure, No. 1, there is no link to any of the victims, but then also that there are no other individuals that are involved in this.

Mrs. WATSON COLEMAN. You all did a remarkable job. I watched it. You know, I was glued to the TV as everyone else was. The same thing with the Boston Marathon bombings. We were glued to the TV and we were just very proud of law enforcement solving these problems and making us a little bit more secure in our comings and goings, because that is where we are threatened, just in comings and goings.

This See Something, Say Something is very important here. Over the past year, there have been numerous cases of concerned citizens reporting suspected terrorism-related activity or the possible radicalization of members within their community to the authorities.

Given that these actions have in some cases led to successful investigations and arrests, there is a growing perception among some that community engagement is emerging as a critical counterterrorism tactic.

At the same time, particularly given the rhetoric from this administration toward racial, ethnic, and religious minorities, many are indeed concerned that they could be a target of unfounded and discriminatory reporting from their neighbors simply because of their religion or how they look or whatever.

How do you balance these concerns, and how do you ensure that individuals' privacy and civil liberties are being respected while still encouraging community engagement and appropriate reporting? This is actually a question I would love to hear something from each of you.

We can start with you, Mr. Manley.

Chief MANLEY. Certainly. I think it is how you approach the information that you have been given. Absolutely the See Something, Say Something campaign is vital to the safety of communities across this country. No community has enough police officers to keep the community safe on their own. Without active, effective partnerships the community is not as safe as it needs to be.

So while understanding the concerns that exist within communities across this country, I think it is how law enforcement approaches these tips when we get them to make sure that what has been reported is something that could truly be threatening and that you then work the information that you are given before you actually go out and take any action.

Mrs. WATSON COLEMAN. To your knowledge are police departments being sort-of retrained, culturally informed now? I want to ask Mr. Newsham the same question on behalf of the——

Chief NEWSHAM. Yes, ma'am.

Mrs. WATSON COLEMAN. Association because it is important how the law enforcement reacts to these tips that are coming in and concerns that are being raised.

Chief MANLEY. Yes, Congresswoman, I agree. I think I will speak for my department. We regularly train officers in the area of cultural sensitivity and diversity, most recently having put the entire police department through fair and impartial police training where we look at biases, both conscious and unconscious biases, and how those can impact your thought, but how you cannot let them impact your actions. So speaking for my agency, we have taken a pretty aggressive stance toward this.

Mrs. WATSON COLEMAN. Thank you.

Sir.

Chief NEWSHAM. Yes, ma'am. That is a great question, the question that you ask. The way that Major Cities Chiefs looks at this issue is that, you know, the bottom line for any police organization is building trust and legitimacy within the communities that they serve.

The reason that you need trust and legitimacy is for the very reason, the question that you raise. There probably will be suspicious activity reports to law enforcement that are unfounded for a host of reasons. The community has to trust that the police agencies have had the training on implicit bias, cultural sensitivity to be able to respond to those situations, to make sure that we are keeping our communities safe from extremists and from terrorism.

The only way that communities are going to make those reports if they trust the agencies that they are reporting it to. The bottom line for law enforcement agencies is to ensure that their police officers are trained to recognize, you know, the difference.

Mrs. WATSON COLEMAN. Just to close up on this question, if I might? Is there standardized training mechanisms to deal with this so that all the police forces who are willing to train their employees are getting the same sort of information, so that there is, sort-of, continuity and a consistency in the training?

Chief NEWSHAM. Yes, Major Cities Chiefs, what we do is when we have our conferences and we discuss these issues with the major city chiefs across the country, we try to express to them that they have to have these types of trainings. But the answer to your question is I don't believe there is a standardized training that is being applied to all the agencies across the country.

Mrs. WATSON COLEMAN. Thank you. Thank you, Mr.—

Chairman MCCAUL. Thank you.

Mrs. WATSON COLEMAN. I yield back.

Chairman MCCAUL. The Chair recognizes the gentlemen from New York, Mr. King.

Mr. KING. Thank you, Mr. Chairman. I want to thank all the witnesses that are here today for the testimony.

Chief Manley, I want to especially congratulate you on the outstanding job and the leadership you demonstrated during these recent tragedy and throughout your career, and I want to thank you for that.

Chief Newsham, we have had dealings over the years. I want to, you know, thank you for your efforts.

Commissioner Evans, if I can just follow up some questions on the situation in Boston? I remember being up there, I guess, just several weeks or months after the Boston Marathon bombings, meeting with you and Commissioner Davis and all your men and women and the great job that you did.

One thing that struck me at the time, though was how close Watertown was, how there is almost interconnection between the Boston Police, Watertown Police. It was hard even seeing geographic boundaries at times.

When you do your training and when you do share intelligence and when you coordinate activities, are those smaller departments part of your training, part of your planning?

Mr. EVANS. Yes, they are. With the Boston Regional Intelligence Center, every morning we do a conference call with all the surrounding UASI cities and Watertown. We do it with our State police officers and our Federal.

So anything going on, whether it is crime-related, whether it is anything related to terrorism or any type of threats, that is shared with everyone. You know, it is a great informational source. If they have issues in their town, they are letting us know. You know, it is a daily sharing of information, and we do that every single day.

At the end of the day, we put out a BRIC report that is shared with everyone. So there is a lot of good information sharing across lines, you know, all across the State.

Mr. KING. Now, at the time of the final showdown in Boston, you were the incident commander, but that was in Watertown.

Mr. EVANS. Yes.

Mr. KING. Was that agreed upon beforehand with—

Mr. EVANS. No. You know—

Mr. KING. Boston P.D.?

Mr. EVANS [continuing]. We were out there searching all day and the city was shut down. Actually I was there from 1 in the morning and we were just going from house to house looking for the second suspect.

Honestly, the city was shut down. What happened was at 6 the Governor released the stay in place order and we were still out there searching. All of a sudden someone came running up to me and said they had seen someone in the boat.

So we quietly went to the boat, and myself and two of my lieutenants were the first ones on the boat. I walked into the leadership position because I was the superintendent at the time. I was the highest-ranking official. Even though I was in Watertown, which honestly, I am a city kid. I don't know all the streets.

I had no idea where I was, to tell you the truth, but I was in the right place at the right time, and I took control of that scene. Whether it was the State or the Federal or the ATF, everyone let me run with that scene. So I just happened on the scene.

I think that was great about it. There was no fighting over who was the commander. We all had a mission and the mission was to get that individual in the boat out of there. Thank God we did because I think we got a lot of information as far as what his motives were and that there was no other threat out there.

Mr. KING. God forbid something like that happens again, but would there still be that connectivity between the various police de-

partments? I am just trying to imagine something like that in other jurisdictions where you have three or four police departments coming together and in such a unexpected situation.

Mr. EVANS. Yes, I think it is crazy because that is one of the big issues we battle with now when we have such a rapidly-developing situation, that whole idea of controlling all the outside agencies.

I mean, it just wasn't three or four. I think we had about eight different agencies. When the shots rang out, you know, I was the one screaming for everyone to hold their fire. But the issue was all of these other agencies didn't have my radio frequency, but we were able to by word of mouth stop all the firing.

So I think self-deployment is the big issue, and I think we all struggle with it. How do you stop the cavalry from coming in when everyone knows—whether it is Austin, whether it is the District of Columbia—and, you know, officers run toward the danger, but unfortunately sometimes they run without reporting to a command post.

So that was very hectic, and we learned from that. That is one of the major things. How do you stop people from all rushing in? When the shots fired, we were more concerned with the crossfire, actually, 'cause everyone was around the boat at that point.

I was screaming for people to stop their agencies from coming in, but it sort-of got a little out of control at the end, and thank God nobody was more seriously hurt.

But that is a thing we struggle with, sir, that, how do we better control those final scenes where everybody wants to get the bad guy, but there has got to be a lot more restraint?

Mr. KING. OK. I have very little time remaining. If each of you, just very quickly, the importance of the Federal grants and each of you how important they are, the Homeland Security grants as far as, you know, coping with the threats?

Mr. EVANS. Well, I always look back at how Boston responded after the bombing. We had done Urban Shield right before that where we had a multiagency training program where we practice what-ifs, you know, with different terrorist bombings going on in different parts of the city.

That way we got to know everybody's capabilities and what they bring to the table. We did training with the hospitals. We did it with the universities. We did it, and it was through the UASI money that pulled that off.

So when you talk about how we responded, we had everyone off that scene within 22 minutes. Two-hundred-and-seventy people went to the hospitals. Unfortunately, three who were severely wounded and passed, they stayed on the scene, but everyone got out of there. But that doesn't happen by accident.

The training with the hospitals, with everyone—and we always look back and say, "Thank God we had the Homeland Security money to do that training," 'cause that was instrumental and we continually use it. We did an active-shooter exercise last year at Fenway Park. I think we were the first ones to do it at a major sporting event.

How would we respond to an incident in Fenway Park? All our Federal, State agencies were there and we did an active-shooting incident. Leading up to this year's marathon, we did tabletop exer-

cises on what-ifs. We do active-shooter training. We have probably done 400 in the last 2 years. You know, Naval Postgraduate School down in Monterey, we send officers to.

All that grant money really helps us become a more effective and efficient department, ready for the next tragedy. Hopefully it never comes, but that makes us ready for these events here.

Mr. KING. Mr. Chairman, if the other chiefs could respond in writing to the question of the impacts of Federal grants?

Chairman MCCAUL. Yes, if the chief would respond in writing?

Mr. KING. Let me also acknowledge Superintendent Lydon, who is here. It is good to see you again, sir.

Chairman MCCAUL. Well, just echo my colleague's point, if it wasn't for that Homeland Security grant money, I believe there were exercises done about a month before the Boston bombing. When you had that number of injured people being triaged to hospitals, I think the loss of life could have been far greater if it wasn't for that training.

Mr. EVANS. I agree. You know, I look back, I still have a lot of relationships with a lot of the individuals who have suffered, you know, loss of legs, and they talk about the treatment they got at those hospitals and the response.

You know, I am proud we all came together. Again, if it wasn't for that training through Urban Shield, I don't think we would have had nearly as great of response. So I am a big supporter in the Homeland Security and all they do for us.

Chairman MCCAUL. Thank you.

Chair recognizes the gentlelady from New York, Ms. Rice.

Miss RICE. Thank you, Mr. Chairman. I just want to echo what my colleague, Congressman King, and certainly the Chairman, said about how important it is for the Federal Government not just to talk about how important these collaborations are, but especially in a post-9/11 world when terrorism is even more rampant now than it was back then.

We have to back up our talk with money. I want to acknowledge the Chairman of this committee who has consistently fought for local law enforcement agencies to get the money from the Federal Government. Not to say you are on your own. We will help you in other ways, but we are not going to give you any money.

I think that that says a lot about, you know, Mr. McCaul because he said it during the Obama administration, as long as I have been here, and he is saying it now. So this is not a political issue for him nor is it, I believe, for the rest of the Members of this committee. It is clearly, obviously, important to all the work that you are doing.

Mr. Manley, I just want to ask you some questions about the Austin attacks. There was a video tape the killer left?

Chief MANLEY. Yes. So the bomber used a video camera to make a recording. Now, there is really no visual because it is inside a—appears to be a dark video, but it is an audio recording between 25 to 28 minutes long.

Miss RICE. What does he talk about?

Chief MANLEY. So without going into the specifics, he is talking about his life. He actually fully described the six bombs that we recovered, which again, allowed us to believe that we had recovered

all of the devices that he had constructed. That was a concern given that he kept changing his delivery method from a package left on a front porch to a tripwire activated, and then he went to using the mail system. So we were very concerned about that.

He talked about his feelings about the bombings or lack thereof. Talked about mistakes that he made in what he believed would allow us to capture him. That was the majority of what he talked about. What we were looking for was motive, was reason.

Miss RICE. Did it give you any insight into his motive?

Chief MANLEY. There was no insight into his motive. Instead, just—

Miss RICE. There was no racial implication or anything like that or any religious implications at all?

Chief MANLEY. No. That was what we were looking for because that would have been a determining factor of whether this would have fallen under Federal terrorism statutes or FBI jurisdiction. There was nothing on that recording whatsoever that revealed any ideology, specifically one either based in religion or politics.

Miss RICE. Is there a reason why that has not been released publicly?

Chief MANLEY. A couple reasons. First of all, it is still an active investigation and so—

Miss RICE. Is there reason to believe that there were other people involved?

Chief MANLEY. Not what we know of right now. Now, there is a lot of other data that we are still working through. Our Federal partners have some computers that they are still conducting the analysis on. I am told there is over a terabyte of data that is having to be analyzed now.

So we are not done with this investigation. We don't believe at this point that there is anybody else involved, but we are not willing to say that until we know so.

The second reason, really, is the contagion effect. What we know that when individuals that either conduct mass shootings or in this case this bombing spree, we don't want to potentially influence others that might be considering this or if there is an individual that wants the type of infamy that one can gain by having their words and their recordings and their manifestos out in the public domain, really, until eternity with the internet now.

Miss RICE. Well, I understand that, but I also think that it is important to use each case as instruction. If you talk about the program, you know, if you See Something, Say Something, having more information about what the motives or mindset of this individual was might help people identify that similar behavior in people elsewhere.

I just want to talk—you know, there was an editorial in the *Austin American-Statesman* that disagreed with the fact that most major news outlets didn't label these bombings an act of terrorism. They said, "There is no mistaking the fear these attacks inflicted on an entire city. That makes this terrorism." I think that most people agree with that.

The *New York Times* also wrote that, "Racial and religious privilege appear to have intersected in how this bomber was perceived.

Because he is white, his acts were reduced to a personal problem. And since he is a Christian, his faith was considered coincidental.”

So one of the big focuses of this committee is making sure that the terrorism, we don’t allow it to come here. But we have to be willing to acknowledge that acts like this—that there was a neighborhood that was terrorized by an individual. Turned out to be just one individual; could have been by more.

I think we can’t try to sugarcoat things or not release things because in every other case we know the history of every posting on Facebook or whatever these people said. I don’t think that that has gone down the path that you suggested, where you might be inciting people to behave in a similar way.

But I appreciate your decision as a law enforcement agency, for sure. I applaud the way that your entire department handled this under your leadership.

One last question, ’cause I have very few seconds left. Can I ask just the entire panel for all three of your opinion about how a National comprehensive universal background check system, in your opinions, would it help prevent mass shootings?

Mr. EVANS. Well, you know, I can speak—obviously, I believe so. I am a big, strong advocate of universal background checks. I think Massachusetts, more than any State, probably has the toughest gun laws out there. As a result, we have the lowest gunshot deaths of any country.

I think it becomes because we have tough gun laws. Anyone who wants to get a license to carry in the city of Boston has to go through—I have to sign off on it. We watch those very closely. If someone has a felony, domestic violence, they have anything in their background that sends up a red flag, they will not get a license to carry.

I think that is why, you know, a major city, last year we had, I think, 55 homicides on the year, which is pretty impressive given other cities of our size. But that doesn’t happen by accident. That happens because we have tough gun laws.

Our big issue in the city of Boston is you can go up to New Hampshire and Maine, and that is where almost 20 percent of guns that come into our State come from.

Anthony Braga from North Easton also indicated almost 25 percent of our guns come from the I-95 South. They are coming from North Carolina, South Carolina, Florida, Virginia. You know, so we are having a problem with guns flowing in because all around us guns law that are lax.

Then quite frankly, I worry because there is talk coming out of Washington, this whole idea of reciprocity of gun laws where someone in a State that has lax gun laws, they will have the ability to cross lines and have the same laws as they have in our State.

So I have come out strongly. I know a lot of the major city chiefs were all worried about gun laws, especially if you are inner city chief, about gun laws being weaker because, you know, every day in our country we have about 300 people who get killed on our streets by guns.

You know, we have a major problem in the United States, and I always say—I go to a lot of these scenes. I think if we see the mothers, if you have dealt with the mothers, I think people would



understand why we need comprehensive universal background checks.

I see it. I see the dangers that it does. I see so many young African American kids killed on our streets, and that is why we need stricter gun laws.

Chief NEWSHAM. Yes, I would agree. Major Cities Chiefs is supportive of universal background checks. I think we refer to them as common-sense legislation that is needed across the country. You know, the question I think you asked was whether or not that would prevent some of these mass attacks that we have had in our country.

The answer to that is, yes. But to echo what the commissioner said, it would also prevent the shootings that we are seeing in our inner cities, and I don't think you will find a major city chief that disagrees with that.

Chief MANLEY. Just briefly, I will agree with my colleagues on the panel as well that I think it is a very effective tool. I don't think that it will impede those that want to purchase weapons and that should possess weapons from being able to, but I think it is a strong step toward keeping them out of the hands of individuals that should not possess them.

Miss RICE. Thank you, all, very much. You are our front line and we are very lucky to have you all in your service.

Thank you, Mr. Chairman.

Chairman MCCAUL. The Chair recognizes the gentleman from New York, Mr. Katko.

Mr. KATKO. Thank you, Mr. Chairman. I want to initially echo the sentiments of my colleagues on the committee that it is all well and good to make inquiries, but if we don't provide you the financial tools to fight the good fight on the front lines, then we are not doing our job.

So I think we have the commitment of the committee as a whole here to make sure that we always can get you as much money and as much funding and support as we possibly can because we understand what is at stake.

I must say, speaking with you before the hearing today and talking to you and listening to this today, makes me miss my 20 years as a Federal organized crime prosecutor very much. During that time, I spent an awful lot of time on—when you do organized crime cases, the task force concepts and which were really the precursor to the National fusion centers.

So I kind of want to talk about the fusion centers a little bit and just kind of see how well they are operating or how well you use them and what we can do better. Some of the things I want to examine, in addition to just if you are using them, what problems you have is I would like a candid discussion about a couple of things that I have been concerned with in the past.

Any task force, any fusion center, any time you have collaborative efforts, the strength of each person on that is important, but together it is much stronger.

A lot of times it seems like when the locals get on, they don't get the status or the priorities that maybe the Feds get or maybe the State representatives get. Especially when it comes to, like, background checks and how long it takes them to get their security

clearances, how long does it take for them to become a full-fledged member? Are they getting access to all the information so they can be as effective a member of the team as possible?

But then I want to ask you first of all, Chief Manley, and then Commissioner Evans, tell me what level of participation do you have in the fusion centers and what do you see as some of the concerns or problems you have with it?

Chief MANLEY. So thank you, Congressman. I guess I would initially go with the Austin, we actually, with our UASI dollars, opened up the Regional Intelligence Center. This is where we partner with, I believe, 19 other immediate agencies around us so that we can make sure we are sharing information, we are connecting the dots and we are not missing something.

Again, that would not likely have been possible for our area without the UASI funding. That is how we invested our dollars, along with some training.

As far as the partnerships and the participation and the recognition by our Federal and State partners, I am not aware that we have had any challenges in that area as far as getting either access to information or being given a second seat at the table.

But instead, what I sense is that the partnership is equal and that we are getting not only the—and I don't want to say recognition, but we are getting the attention that we need and our issues are being brought front. I think that that is an improvement. I think that that goes along with what we are talking about today, the improved cooperation.

But the cost of running an operation like that, as I said, I don't know that we ever would have been able to stand that up without the investment with the UASI dollars. That is what is important to us is to see that continue.

Mr. KATKO. Yes. It is certainly a force multiplier, task forces and fusion centers. You get a heck of a lot more bang for your buck by putting a body or two there with all the others who bring their strengths to the table as well.

Commissioner Evans, I would like to spend the rest of my time talking about how the hell the Bruins choked the other night, but I can't do that because it is not the proper place, but maybe later. But I want to ask you the same question about the fusion centers, your participation, if you have any concerns with it.

Mr. EVANS. I don't. I think, you know, in Boston, we have a real active—I think, you know, we are one of the most active. I think we have about 50 individuals who work in our fusion center. We have someone assigned here to the District of Columbia in the National Operations Center. So getting that real-time information was key.

You know, when Chief Manley was dealing with his incidents, we were getting real-time information about what was going on. You know, even recently, you know, some of the intel we have gotten from that—last week, working with the FBI, we got information on an individual who might have a storage of guns in his home who was, you know, unstable.

We talked to his wife who was paranoid. Through that information sharing we did a search warrant on his home and we got 5 rifles, 1 shotgun, and 7 high-powered handguns. So that came

about as a result of the sharing in the fusion center. So we are getting a lot of good information and working across this country.

When anything happens, we are getting real-time information on whether it is terrorism, whether it is a person who has, you know, mental issues. So it is a great source of information for us.

Mr. KATKO. We spend a considerable amount of time trying to make sure that that is the case, so it is encouraging to hear that information with the fusion centers. I will ask all three panel members and then my time will be up.

One of the concerns we have had is when you have new members from your departments going to the fusion centers or these task forces, there is often a tremendous lag in the amount of time when they ultimately get their security clearances and so they can get exposed to all the information that is available to the others on the fusion centers and task forces.

Have any of you experienced any recent problems with delays in getting the security clearances for your folks that are on these task forces?

We can start with Mr. Newsham.

Chief NEWSHAM. I think some of the experience that you described of the significant delays is kind of the old-school situation that we had, so it does appear to be improving. I also understand that getting the background checks is a lengthy process. It has to be very thorough before you are going to allow anyone to have access to that information.

So, you know, just talking from Major Cities Chiefs' perspectives and the conversations that I have had with the other members of Major Cities Chiefs that there certainly has been an improvement.

Mr. KATKO. That is really good to hear.

Commissioner.

Mr. EVANS. I agree. I mean, it has gotten better. I can tell you, you know, I remember applying. They basically ask you, like, so many—like, everything but your shoe size on that. I have never gone such a—

Mr. KATKO. They are not asking your shoe size? They are supposed to, I think.

Mr. EVAN. No. I know. I know. But, you know, it is a long process, but, you know, to get the clearance, they have to vet people well. Unfortunately, it doesn't move as quick as we would like it, but that is, unfortunately, part of the process.

You know, whether you have foreign ties, foreign investments, they ask you everything. So they are very thorough and, unfortunately, you know, sometimes that can be longer than we want.

Mr. KATKO. OK. Well, that is one of the concerns we do have is that they need to move—once you get on the task force, you need to—you are not effective. You are not getting any information.

Mr. EVANS. Right.

Mr. KATKO. Chief.

Chief MANLEY. I would concur, and especially what the commissioner just said. The process itself is a lengthy process, but I don't believe that local officials are getting put in a backseat to others. I think that we are getting processed just as quickly as others. However, the process itself is rather arduous.

Mr. KATKO. OK. Things seem like they are improving. That is good to hear. Thank you, all, gentlemen, very much for what you do. I hope and pray every day that law enforcement is safe and that we don't have any more terrorist concerns in this country.

It is not realistic to think they are not coming, but it is also realistic to think that we are doing as much as we possibly can, and that is because of folks like you, so thank you very much.

Chairman MCCAUL. Chair recognizes the gentlelady from Texas, Ms. Jackson Lee.

Ms. JACKSON LEE. Let me thank the Chairman and let me thank Ms. Watson Coleman for her presence as Vice Chair today, and let me also acknowledge Mr. Thompson, the Ranking Member, for this hearing.

Also, I want to acknowledge Chief Manley and Chief Evans and Chief Newsham for their leadership and service to the Nation.

I, too, want to, however, mention and give accolades to the late Barbara Bush. We in Houston are particularly chauvinistic and enthusiastic about the fact that we had both President H.W. Bush and his lovely bride as our constituents and as residents of our great city.

Although the Nation is mourning, we in Houston and we in Texas are shedding tears for, as a member of that community, I would always see Barbara Bush with her smiling face, advocating for things that help people. During Hurricane Harvey, they were still standing as moral compass for those who are suffering.

I thank them for their efforts together, but I thank her for setting the tone for what a leading First Lady is and should be. I give to her family my deepest sympathy.

This is a very important hearing, and I want to start by indicating that this is somewhat a new phenomenon that we have to deal with here in the United States. So my questions will be somewhat poignant, but they will not be personal. The help that you all can give me and give us as a committee will be, I think, extremely important.

First, Chief Manley, I do want to acknowledge in this instance, as I offer sympathy to Chief Evans from Boston, to all of those who were lost in these terroristic acts, I want to mention Anthony Stephan House, a fellow Texan, was the first individual that lost his life. Thirty-nine years old, a father, a humble man who was doing nothing wrong and opened an unmarked package, as I understand. Certainly want to give sympathy to his family.

Then to Draylen Mason, who not only has a connection in Austin, but has a connection all the way to Houston, Texas, talented bass player with a bright future. I understand that those who attended his home-going service were just simply amazed at the genius of this young man and the service he had already given in his young 17 years.

Sympathy to his mother, who is healing as well, and his grandfather, who is a major leader, major clergy, who many of my pastors in Houston know and are mournful of his loss.

Chief Manley, it is important to note how quickly you responded to the bombing of the first victim, to let the community know just what was happening so that they would be on notice that something had gone awry.

Chief MANLEY. Thank you, Congresswoman. We held a press conference on March 2, the day of that first bombing. I was with members of both the ATF and the FBI. We briefed our community on what had happened on the fact that it was a package that had exploded and, again, wanting to make sure that the community was aware that that is how this murder had taken place.

So on the day of the incident we did have a conversation through the media about what had happened. We came back, I believe it was 3 days later. We gave a press conference that Monday with an update on the investigation, what we had conducted to that point.

In that press conference, was an assistant chief who conducted that one, specifically went over the importance of suspicious packages and steps that we would want the community to take if they felt like there was a suspicious package, ways that they would report that, things to avoid doing, such as touching or handling.

So that was a conversation that took place the day of as we talked about how it had happened. But then we followed up the following—I believe it was Monday with a more detailed press conference talking about safety around suspicious packages.

Ms. JACKSON LEE. So you understand the impact in the African American community as it relates to bombs. The bombings of the little girls in Birmingham. The atmosphere was a terrorizing atmosphere. Did you interact with the NAACP?

To Chief Evans, we do not have a Federal crime under domestic terrorism. What do you think? How effective would that be? Getting my two questions, how effective would it be to have a defined crime of domestic terrorism? I know some States have it. We have a definition, but not a crime.

But I think it is important, in Chief Manley's point, is that the first two victims were African Americans. It would lead people who have been subjected to this violence to think in that manner. Were you sensitive to that, and did you ultimately recognize that this was a terrorizing effect and call this terrorism?

Mr. Evans, I will ask you about the domestic terrorism.

Yes, Mr. Manley.

Chief MANLEY. So I think we addressed it in the media briefing that we did, realizing on March 12 when the second bomb went off that this was not, in fact, an isolated incident as we believed it may have been on that first one on March 2. We were aware that both victims—

Ms. JACKSON LEE. There was no reason at—Mr. Manley was not a criminal, so you all—you know, that was—I am sorry. His name is not Manley. Mr. House was not a criminal. You finally recognized that that it wasn't his fault.

Chief MANLEY. Yes. This was not of his doing and we recognized that as we investigated. I think, as with most homicide investigations, your investigator will start off looking at the victim because that leads you in the direction of who may have wanted to do them harm.

So I think that it is a normal step that you take in an investigation such as this if you don't immediately have witnesses that can tell you why it happened or who had done it, you have got to try and piece together the person's life to understand who would want to do them harm. So I know those steps were taking place.

Then as far as being sensitive, I think we realized and spoke about it after March 12 when we had this second victim. We recognized that both of the bombings at that point had occurred in East Austin, which is where a majority of our minority community lives and that both victims were, in fact, victims of color.

We were speaking about it at that time saying that while we don't have any specific link to terrorism or to hate, we cannot rule that out either. So we kept that as a possibility throughout the entire investigation.

That is still a possibility today as we still have a lot of evidence to sift through. We just do not have anything at this point that would lead to that type of a motivation, but that is still part of the on-going investigation.

Ms. JACKSON LEE. Chief Evans, can you discuss the domestic terrorism dilemma that we have?

Mr. EVANS. Well, in our particular—I am sorry. In our particular case, obviously, you know, we had four individuals killed—

Ms. JACKSON LEE. Right.

Mr. EVANS [continuing]. So that did go that way. You know, Tamerlan Tsarnaev, the second, he was charged Federally under that. You know, now he sits on death row because of that. But, you know, I think, you know, obviously, any message we can send to potential terrorists out there, whether it is in a law or any type of statement, I think, is real important.

But I think right now the Federal Government steps in when there is an act of terrorism, and honestly I think the laws are in place to prosecute, at least in our case, in Boston, where we had four young people killed and the Federal Government handled that. Ultimately he was given the death penalty.

Ms. JACKSON LEE. All right.

Mr. Chairman, I would like to ask unanimous consent to place into the record a letter dated April 18, asking that we, in a Classified setting, be able to view the 28-minute video made by Mark A. Conditt, the so-called Austin bomber.

Chairman MCCAUL. Without objection, so ordered.

[The information follows:]

LETTER FROM HONORABLE SHEILA JACKSON LEE TO CHAIRMAN MCCAUL AND  
RANKING MEMBER THOMPSON

*April 18, 2018.*

The Honorable MICHAEL MCCAUL,  
*Chair, House Committee on Homeland Security.*

The Honorable BENNIE THOMPSON,  
*Ranking Member, House Committee on Homeland Security.*

DEAR CHAIRMAN MCCAUL AND RANKING MEMBER THOMPSON: I am writing to request that as Chair and Ranking Member you provide an opportunity for Members of the Committee to view the 28-minute video made by Mark A. Conditt so called the "Austin Bomber." According to an *Austin American Statesman* Editorial published on Thursday, April 12, 2018, the video is in the possession of law enforcement authorities who investigated the bombings. I am reiterating my request that you arrange a briefing for Members of the Committee regarding the recent bombing in Austin, Texas.

The city of Austin experienced several bomb attacks that spanned several weeks. These incidents of senseless violence against innocent people were a mass terror event that paralyzed a city and required local, state, and federal law enforcement to stop the attacks. We need to know who taught this bomber and whether the means he used to learn may portend future threats for unsuspecting communities.

One of the more disturbing aspects of the attacks is the use of a tripwire because he was a highly skilled bomb maker.

Thank you for your work to secure our nation from terrorist threats by keeping the Committee Members informed regarding the most critical security issues facing our nation. I look forward to your positive reply to this request for a viewing of the video and a briefing by relevant agencies that were part of the investigation.

Very truly yours,

SHEILA JACKSON LEE,  
*Member of Congress.*

AUSTIN BOMBING VICTIM DRAYLEN MASON ADMITTED TO PRESTIGIOUS OHIO MUSIC SCHOOL BEFORE HIS DEATH

*By Doug Criss and Keith Allen, CNN.*



(CNN).—Draylen Mason had already played his way into a selective Texas music school before he was killed by a package bomb left outside of his Austin home two weeks ago. Now comes the heartbreaking news that he had also been accepted into another one.

Mason, a talented 17-year-old bass player, was accepted into the Oberlin Conservatory of Music earlier this month, before he was killed on March 12.

Michael Manderen, the Ohio school's admissions director, said Mason was offered one of 130 spots available at the school this fall, out of a total of 1,500 applicants.

"It is tragic that he could very well have been one of those select incoming students," Manderen says. "This is so sad, and our hearts go out to the family and community."

Mason did not know about his acceptance into the program prior to his death, but would have received notice of his admission late last week, Manderen says.

The conservatory has been in communication with Mason's bass teacher in Austin, Manderen said, and is planning a memorial of some type for Mason and his family at a later date.

#### 'REMARKABLE TALENT'

Mason had already been accepted into the selective Butler School of Music at the University of Texas at Austin, CNN affiliate KXAN reported.

He was the "most remarkable talent in a most remarkable youth orchestra program called Austin Sound Waves," said Doug Dempster, dean of the College of Fine Arts at UT Austin.

The Austin Sound Waves program offers free music instruction to artistically under-served children.

"At Sound Waves performances one could often see him leaning in to lead and coach younger and more tentative players," Dempster told KXAN. "His gentle confidence seemed to come from a conviction that hard work and talent was going to work for him. It did."

#### PANIC AND MAYHEM

Mason was one of two people killed this month in a wave of package bombings that terrified Austin.

Anthony Stephan House, a senior project manager at a Texas limestone supplier, also died in the explosions.

After nearly three weeks of panic and mayhem, police last week cornered the man they described as the serial bomber—23-year-old Mark Anthony Conditt. When SWAT officers approached his SUV, Conditt blew himself up in a ditch outside Austin.

Ms. JACKSON LEE. I just want to thank Chief Manley's team for their great and committed work and hope they understand that people were terrorized. I do believe there needs to be a Federal domestic terrorism crime because there seems to be a distinction in who is terrorizing people and who is not.

I thank Chief Evans and I thank the chief representing the national chiefs because of the work that you all do, Chief Newsham, and I look forward to working with you on some of these issues dealing with gun violence.

I yield back.

Chairman MCCAUL. Let me just briefly comment. I think we all agree this was a terrorizing event. As the gentlelady knows, being on judiciary committee, domestic terrorism is a legal definition—

Ms. JACKSON LEE. But not a—

Chairman MCCAUL. But not a Federal charge. I think that is something that I have—

Ms. JACKSON LEE. It ought to be—

Chairman MCCAUL. If I could finish? I have tasked the Congressional Review Service to study this issue as to whether that would be a good idea. Also have had discussions with Federal law enforcement upon that issue as well.

So with that, the Chair now recognizes—



Ms. JACKSON LEE. Thank you, Mr. Chairman.

Chairman MCCAUL. Thank you—Captain Higgins from Louisiana.

Mr. HIGGINS. Thank you, Mr. Chairman.

Chief Manley, Commissioner Evans, Chief Newsham, thank you for your representation of the thin blue line and your service to your communities and our Nation.

I have a question that has never really been clarified for me, Commissioner, regarding the Boston bombings. When the second Tsarnaev brother was taken into custody, my understanding is the Obama administration directed your boots on the ground to not Mirandize that subject. How was that communicated and by whom? How did it get to the field where the arrest was made?

Mr. EVANS. Well, again, I was out on the street. You know, we were searching house to house and, you know, I remember my pager going off. I remember almost everything that day. I looked at my pager and that came right across my pager.

You know, I have never ever had a circumstance in my career where it says, "If you capture this individual, do not Mirandize him." I——

Mr. HIGGINS. How did you react to that? 'Cause that strikes me as very odd.

Mr. EVANS. Again, you know, I was out in the street. Obviously, I am sure it came from Washington down to, you know, the local FBI——

Mr. HIGGINS. When you say it came from Washington, and I don't mean to interrupt you, Commissioner——

Mr. EVANS. Yes, from——

Mr. HIGGINS [continuing]. But just to clarify, from DOJ or who?

Mr. EVANS. I would say from the—yes, DOJ. That was sent down to the local SAC of the FBI, who then broadcasted it to Commissioner Davis, who then passed it along on the field.

Mr. HIGGINS. Can you clarify for the committee, what public safety exception, exactly, was referred to? Was there a statute—or——

Mr. EVANS. Well, I think I think there is always exigency should the country be at risk of something of this nature, very much like what we do every day and whether we need justification to go into someone's house and get a warrant, go into a supermarket when there is a gun hidden somewhere.

There is always an exception on exigency, and I think this was a prime example. Our country had to find out if we got this individual, how many more suspects were out there. So I think this was an exigency very much like Austin, that if we caught the individual we have to find out, no matter what, how big this plot was.

Mr. HIGGINS. Well, I concur that, that that gentleman should have been subject to extensive interrogation, but it always struck me as odd to deny Miranda would perhaps be a poison pill for the case file as it moved forward. That order ended up being revoked. How was that revoked? By what means was it revoked?

Mr. EVANS. Well, I think once he was in custody and he was in the hospital and he was being guarded by the Boston Police Department and the FBI, that I think his lawyers went to the Federal

judge. I think through that the decision was given from here on in, he will be Mirandized.

Mr. HIGGINS. Well, thank you for clarifying that. I am still not quite clear——

Mr. EVANS. Right.

Mr. HIGGINS [continuing]. On how and why that happened.

Mr. EVANS. Again, never seen it in my career.

Mr. HIGGINS. Neither have I. The Tsarnaevs created these IDs allegedly from the radicalized Islamic terrorist publication *Inspire*. But the level of sophistication of their weapons was beyond *Inspire* instructions. Was it ever determined clearly by what means they came to learn to use remote detonating capabilities?

Mr. EVANS. I don't think it ever was finally determined. Obviously, we always monitor *Inspire*. And as their tactics change, we obviously adjust, whether it is, you know, car bombs or, you know, different tactics. But to get to your question, I don't think we ever really realized where they got the knowledge to build a bomb like that.

Mr. HIGGINS. Thank you. Gentlemen, I wasn't going to broach this subject, but since it has been presented to you as a panel and before this committee, Commissioner, I will begin with you because you answered the question. What exactly did you mean by comprehensive universal background checks? How would that manifest to the citizens that we serve within the parameters of the Constitution that we represent?

Mr. EVANS. Well, again, I always say, with all due respect, I think, you know, when we have tough gun laws, I think it makes a difference. I look at certain cities——

Mr. HIGGINS. I heard that. But I am specifically asking, and I ask so respectfully, sir, how exactly would so-called comprehensive universal background checks manifest in the United States of America——

Mr. EVANS. Unfortunately——

Mr. HIGGINS [continuing]. Within the parameters of our Constitution?

Mr. EVANS. Right. I go to a lot of homicide scenes, and I see the carnage and I see the young mothers grieving, and I see so many guns on the street, and sometimes in the hands of people who have no right to have the guns.

Mr. HIGGINS. You have made that clear, sir. But I ask again, perhaps another member of the panel, if the Chairman will allow, in what way would so-called comprehensive universal background checks manifest within the parameters of the Constitution that we serve in these United States of America?

Chief NEWSHAM. Yes, I am not sure that there are any Constitutional prohibitions against universal background checks.

Mr. HIGGINS. How would it manifest, sir? You are talking about the exchange of firearms. What about inherited firearms? What about gifted firearms? What about pre-1968, pre-serial number firearms?

Chief NEWSHAM. Right, and——

Mr. HIGGINS. How would the exchange of these weapons involve a so-called comprehensive universal background check?

Chief NEWSHAM. I can say collectively that the Major Cities Chiefs believes that far too many firearms are getting in the hands of people who——

Mr. HIGGINS. This has been stated several times, but my question has not been answered.

Chief NEWSHAM. But I think your question was answered, respectfully, sir, that there does not appear to be any Constitutional prohibitions against universal background checks that I am aware of.

Mr. HIGGINS. But how would that—Mr. Chairman, my time has expired. I would like to submit a question in writing to the panel members and perhaps receive an answer back in a timely manner. I yield.

Chairman MCCAUL. The question in writing will be submitted to the witnesses.

Chair now recognizes the gentlelady from Florida, Mrs. Demings.

Mrs. DEMINGS. Thank you so much, Mr. Chairman. Chiefs and Commissioner, thank you for your service and thank you for the service of the men and women that you command every day. We are glad you are here. Let me just say this—and thank you for your common-sense answers to the question about background checks.

I spent 27 years at the Orlando Police Department. I had the honor of serving as the chief of police. As we talk about information sharing, I do remember, coming on in 1984, a time when we did not have the capability through technology, but more important than that, we didn't really have the desire much to communicate with our Federal and State partners.

But we now know 9/11 changed everything. I share your sentiments in terms of my interaction on the ground with the men and women of the Federal Bureau of Investigation and other Federal agencies.

When I think about some major incidents and scenes that we have been involved in, there is no way that we could have effectively handled those scenes without our Federal partners. So things have definitely gotten better.

I know we have talked quite a bit about Federal funding. Coming from Orlando, and certainly you know our history, Federal funding is real critical to me. I would like for you, yet again, to, for the record, talk about how important Federal funding is to your agency dealing—or how important it was in dealing with the threats that you have already faced and the potential threats that you and your men and women face every day.

Chief Manley, we will start with you.

Chief MANLEY. Thank you, Congresswoman. I don't know that I can emphasize enough the importance of the Federal dollars to allow us to do what we do, both in a training and in an equipment area. You can't have game day be the first time you are trying to do an operation, you are trying to work with your partners, both local, State, and Federal. You can't have that be your first occurrence.

We were fortunate enough to use grant dollars to host an Urban Shield exercise in Austin years ago that really showed both the

strengths of the system that we had in place, but it also identified areas where we needed to make improvements.

If we don't have the money available to us to allow us to conduct those kind of training exercises, then there are communities across this country that are not as safe as they should be because they have not yet had to practice for that worst-day scenario.

I mentioned earlier that we used the UASI dollars that we received to fund our ARIC, our Austin Regional Intelligence Center. Without those dollars, I don't know that we would have been able to put together enough money to put that center together.

Sitting here today, I know of things, of incidents and events that were stopped because of the work that we were able to do with our Federal partners as well as through our intelligence center, identifying something that was imminent.

So I know my community is safer because of the investment in Federal dollars. Most of those were coming through the UASI. We are left now to deal with the grant money that comes through the State Homeland Security program, which we are grateful to have, but it has to support a 10-county region, and so we are just one entity within that.

So that is why I would encourage, to whatever extent possible, that UASI be full-funded so that partnering and recognized agencies are able to utilize dollars from that program to make our communities safer across this country.

Mrs. DEMINGS. Thank you.

Commissioner Evans.

Mr. EVANS. I think I spoke to it before, like the chief, about the whole idea of being able to fund UASI. You know, our fusion center, you know, we have been able to hire people to work it through the Federal funds, so obviously to do an Urban Shield.

I think that, like I said before, was so instrumental in how we responded to the Boston Marathon bombing. We continually train on it. We continually, every marathon, use funds from the Federal Government to do these tabletop exercises.

We are able to also train high-level leadership down in Monterey through the Post-Naval Graduate School, which is a great program. I went through it. I know Superintendent Lydon went through it. There are so many good things. There is the equipment we get that our budget sometimes will not support.

So whether it is technology, whether it is regular equipment, whether it is training, whether—you know, I can't speak enough for it. It troubles me that we are thinking of cutting back on this because I think part of our success is always about being preemptive, not reactive. That is what Homeland Security does. It gives us the tools to prevent tragedies before they happen.

Mrs. DEMINGS. Chief Newsham.

Chief NEWSHAM. Yes, ma'am. I don't know if you remember, but I think we met at the candlelight vigil last year.

Mrs. DEMINGS. We did.

Chief NEWSHAM. I want to say that I want to thank you for coming. That is an event we hold every year in the district during Police Week to recognize men and women who have lost their lives in law enforcement, and we appreciate your support on that.

With regards to the Homeland Security money, it is really important in that it can level the playing field for major cities. There are cities that are in varying degrees of economic strength. To the extent that major cities can tap into that money, it really levels the playing field.

You know, when you are making very difficult budget decisions as a leader in a police agency, that is one of the ones that stays as a priority, but you also have local crime fighting that is pretty close with the priority. So to the extent that that money is available, it is critical for us so we can receive the training that the equipment that we need to make our cities across the country safer.

Mrs. DEMINGS. Thank you so much.

With that, Mr. Chairman, I yield back.

Chairman MCCAUL. Thank the gentlelady. In our reauthorization bill, we nearly doubled the President's request. I also want to thank the gentlelady for her amendment on the active-shooter grant program of \$39 million to include former UASI cities such as Austin, Texas, and Orlando.

I look forward to working with you and my police chief. I know that DHS is now reviewing its risk assessment to determine the current UASI cities. So anyway, thanks for bringing up the question.

Chair now recognizes the gentleman from Florida, Sheriff Rutherford.

Mr. RUTHERFORD. Thank you, Mr. Chairman. A lot has been discussed here today about UASI and collection of intelligence and data that is out in the field. I think when you look at cases like Lee Malvo and John Muhammad, clearly, there were opportunities missed around the country because of information that was in databases that really wasn't being shared or analyzed.

So UASI was, I think, very important, that funding and being able to bring agencies together. But I would also point out, and I know, Commissioner, you and the chief are, in fact, from LInX regions, Law Enforcement Information Exchange.

NCIS, the Naval Criminal Intelligence Service, when they partnered with Northrop Grumman, they come into these regions and build these information sharing systems, was a tremendous benefit all across the country. There are now 14 of them and that is how most fusion centers are actually being fed the data that they are analyzing.

So my point is this. I would like to ask for the International Association of Chiefs of Police and others to assist. I just spoke with appropriations to put the LInX program, the funding within NCIS, into the appropriations budget as a line item so that we can continue the good work that is being done there in bringing this data together.

But not only bringing the data together, because part of what we also need is the analytics. You reveal—look, like I have told folks, the problem in law enforcement, Mr. Chairman, is not that we don't have the data. The problem is we have so much data. The trick is how do you use these analytical tools to dip into that huge stream of data then get out just what you need.

So what I am curious about is if you would support that kind of funding stream, also, from NCIS to continue the LInX programs. Anyone.

Mr. EVANS. Absolutely. I mean, it is such a tool for us on this, and, you know, obviously we have analysts, a lot of them right out of college who are pretty sharp kids. The ability to keep them and the ability to hire more, obviously, is always a challenge for us.

But, you know, I am 100 percent behind. I mean, it is clear we don't have enough analysts to get through all the data, but clearly it helps us tremendously.

Chief MANLEY. I would agree with the Commissioner. I believe the worst position we can put ourselves in is having the information, but not having done something with it because then we have not—

Mr. RUTHERFORD. Right.

Chief MANLEY. Kept our community safe. I think we all recognize the challenges and the shortcomings we have, and often it is resource-based. You said it best. We have the information. We have a lot of information and we have a lot of talented individuals in police departments across this country that are skilled analysts, whether they are coming from private sector or coming from the military.

But we will never have enough analysts because the work that they do allows us to put the officers where they need to be so they will have the greatest impact. It allows us to identify not only what is happening in our communities, but also in the realm of predictive policing.

Where I think policing is going, the investments in those programs are imperative. So if there are more dollars that could be moved into that area, it would be very appropriate.

Mr. RUTHERFORD. Thank you.

Chief NEWSHAM. Yes. The only thing I would add, too, is, you know, the conversation that you just had with us is similar to the conversation that has been going on at Major Cities Chiefs about the volume of data and then the need not to miss something. That requires folks who have the expertise and analytics to be able to draw from that data to come up with, you know, useable information for law enforcement executives.

Mr. RUTHERFORD. Thank you. I would say, Mr. Chairman, that the capability of dealing with that mega data is certainly something that UASI could really help with.

I know whether you are a Tier 1 city or a Tier 2 city in UASI, you know, I think some of the challenges that we had with UASI in the first rollout—you know, everybody thought they needed a Tier 1 bomb team. Everybody thought they needed a Tier 1 SWAT team, when we don't.

What we really should have done, I think, from the Federal standpoint, was forced a regional approach. So I look forward to going back around on that and maybe rolling UASI back out with a regional approach that makes a lot of sense and gets us the best bang for our buck.

So thank you, Mr. Chairman. I yield back.

Chairman McCAUL. I thank the gentleman for his experience that you bring to the committee.

I also want to recognize my Tomball Fire Chief Randy Parr, who is here with us today. Randy, thanks so much for being here.

Chair now recognizes the gentlelady from California, Ms. Barragán.

Ms. BARRAGÁN. Thank you, Mr. Chairman.

Thank you, gentlemen, for your service and for your testimony here today. I just want to reiterate how important I think the homeland grant funding is. We heard your testimony today, just to reiterate how important it is for you to prepare in the event there is an incident so that you can properly respond.

So I think it is great to have you come in and testify about that today so the Congress can continue to not just fully fund it, but to look for opportunities to increase as opposed to reduce those grant opportunities so that we can continue the interoperable emergency communications. I won't even ask what cut will do because I think you have kind-of testified to that.

I also want to thank you for your response on the universal background check. You know, the reality is that gun violence in America, as you mentioned, is on-going. It is a problem that we have to address.

To see a panel unanimously talk about the need for universal background checks, it is refreshing because this is a topic that, even in Congress, we just can't get a floor debate on these things. So it is very frustrating sometimes, especially as a new freshman Member who comes here and wants to have a debate on these issues.

With that said, you are tasked with protecting and serving our community and know in recent years, also, there have been a lot of more high-profile mass shootings across the country, and they have been involving these assault-style weapons.

My question for you is, how does these availability of these weapons make your job to protect and serve your communities more difficult, and what would be your suggestions to keep these types of weapons out of the hands of those who shouldn't have them?

Chief NEWSHAM. You know, I have said this several times before that assault weapons were designed specifically for killing human beings in a warfare situation and there is no need to have assault weapons in our communities at all.

The ability to, you know, destroy human life on a large scale with these weapons is unbelievable. You know, we have to train with these weapons because there is the real possibility that there could be an offender that has one of these weapons that comes in to do harm.

So we have a pretty good understanding of the capacity of these weapons to inflict harm on large numbers of people in a very quick amount of time. I don't see any reason to have them in our community in any way, shape, or form. I don't see any good reason to have these weapons in our community.

Ms. BARRAGÁN. OK, thank you.

Mr. Evans.

Mr. EVANS. I agree 100 percent. I think I spoke before about how many young kids are killed in our cities, not only in Boston, but across the country. Whether it is AR-15s or these semi-automatic handguns, there is no place for those in a city, really, and espe-

cially in the hands of young kids who don't know the danger that they cause.

In Massachusetts, we are fortunate. Again, we have an assault rifle, you know, ban on having those. Also, we just banned bump stocks. So we are very good about, you know, getting tough on these. I reckon back to the whole idea that we are the safest State in the country because we are so tight on the guns.

You know, there is one thing that keeps me awake at night and it is getting the call of young child or a young adult being killed by violence on our streets. Sometimes, whether it is Parkland or it is these big shootings, but every day in our cities across America we have young African Americans, young kids getting killed, and it is almost like we accept it. We shouldn't.

I think it is all because we have so many guns in this country. So I am a big advocate of way too many guns, not too many laws, and I think Massachusetts leads the charge.

Ms. BARRAGÁN. Thank you.

Mr. Manley.

Chief MANLEY. The prevalence of weapons I will agree is problematic across the country. Assault weapons like this are problematic because of the high capacity and the ability to inflict harm on much larger groups. You don't need an assault weapon for home protection. There are other ways that you can keep your home safe, your community safe, yourself safe. So I don't see the need.

Then especially when they are so easily modified to be fully automatic and make them that much more deadly or, with what we saw in Las Vegas, the ability to use bump stock technology, again, making them capable of firing at just an incredible rate and taking a large loss of life.

Ms. BARRAGÁN. Well, thank you. I am going to just quickly here—you made a comment, I believe it was Mr. Manley, that there was no link in the Austin bombings to terrorism or hate and, you know, the victims were people of color. How is that not a link at all?

Chief MANLEY. So the first three involved victims of color, the first two being African American, one was a Hispanic female. The fourth bomb was placed in a residential neighborhood of Austin where two Anglo males were actually the victims of that bomb.

Then the fifth and sixth bombs were bombs that were mailed and they were not mailed to members of the minority community as well. So what we really have right now, barring something that comes out of the additional analysis that is still going on, is we have victims that were selected at random.

We cannot link the bomber to the addresses where the first three packages were left. So whether we will at some point through analysis or not, I don't know.

So initially, after the first three, we were recognizing publicly that although we had no reason or information or evidence to show that it was, we could not rule that out yet. To this point, I will tell you we still can't 'cause we are still conducting the investigation.

Ms. BARRAGÁN. Well, thank you for clarifying that 'cause what what appears to be is that when there are violent acts by people of color it is treated as terrorism; while it is being perpetrated by a non-person of color it is not. So thank you for clarifying that.



I think this is a much larger conversation I hope we can have one day. Thank you.

I yield back.

Chairman MCCAUL. The gentlelady yields.

I want to thank the witnesses for your valuable testimony. I want to close with, you know, a personal story. You know, and I have often said it is time now to heal for the Austin community and for the victims.

I spoke with one of the victim's families. She told me a moving story of healing from Esperanza Herrera, or Hope as they call her. The third Austin bomb in the series of attacks injured Hope when she picked up a package outside of her 95-year-old mother's house.

Two weeks later, Hope had forgiven the bomber, which is incredible, and believes that God's hand was involved with her survival. Hope recalls that the last name of the ATF Victim Services official who came to her house, her last name was Faith.

The homicide criminal investigator, his officer, as you know, Chief Manley, his name was Officer Love. She took that as a sign to help her heal: Faith, Hope and Love.

As we all heal and the successful investigation winds down, I think we must remember the tremendous job that the Federal, State, and local law enforcement level, and you, sir, Police Chief Manley, as our fearless leader with the entire Nation watching.

With that, we are going to take a quick break and bring back the second panel.

[Recess.]

Chairman MCCAUL. We are pleased to welcome our second panel of witnesses. Our second panel includes Mr. Kerry Sleeper, the assistant director for partnership and engagement at the Federal Bureau of Investigation, and Mr. James McDermond, the assistant director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

We thank both of you for being here today. Your full statements will appear in the record.

The Chair now recognizes Assistant Director Sleeper for his testimony.

**STATEMENT OF KERRY L. SLEEPER, ASSISTANT DIRECTOR, PARTNERSHIP AND ENGAGEMENT, FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE**

Mr. SLEEPER. Chairman McCaul, Ranking Member Watson Coleman, other Members of the committee, it is my privilege to appear before you today as the assistant director of the FBI for the Office of Partner Engagement. We welcome this opportunity to meet regarding the status of the FBI's information-sharing initiatives within the FBI and with our law enforcement partners.

The Office of Partner Engagement implements initiatives and strategies which support engagement, communication, coordination, and cooperation efforts with law enforcement, intelligence, public and private agencies and partners in a continuous effort to enhance the FBI's capabilities in the domestic information-sharing architecture.

I would like to begin my prepared remarks by affirming the FBI's continued commitment to ensuring threat information is shared accurately and timely among our valued Federal, State,

local, Tribal, and territorial law enforcement partners. As we are all aware, the devastating attacks at the 2013 Boston Marathon highlighted challenges and deficiencies in information sharing.

In response, the FBI working with this and several of our oversight committees, as well as National-level law enforcement associations, such as the Major Cities Chiefs who were in here just moments ago, took several steps to enhance information sharing with our State and local partners, to include regular FBI executive meetings with key partners, improvements to JTTF processes and procedures for sharing information, and enhancements to the eGuardian program, which today facilitates the reporting and sharing of terrorism, criminal, cyber events, and suspicious activities by our law enforcement partners.

Shortly after the attacks in Boston, the FBI witnessed a significant increase in the threat from ISIS and its affiliates, al-Qaeda and other terrorist organizations. The threat from international terrorism became more diversified and individualized as lone actors self-radicalize in the homeland.

This shift required the FBI to evaluate more closely the effectiveness of terrorism information sharing with our local law enforcement partners. In doing this, the FBI undertook several initiatives to improve engagement and collaboration.

In coordination with the National Fusion Center Association and other Federal partners, the FBI developed the Enhanced Engagement Initiative, or EEI. The EEI is a resource designed to provide FBI field offices and fusion centers with a common set of recommendations to ensure greater continuity and standardization of terrorism information-sharing efforts.

By focusing on key areas of engagement, such as JTTF participation and coordination, suspicious activity reporting and intelligence analysis, production, and dissemination, the EEI supports the FBI in its efforts to ensure the fusion centers have a complete understanding of the terrorism threat and are appropriately leveraged with other field-based information-sharing partners to address the ever-changing threat landscape.

In support of the EEI, the FBI has developed and delivers a 2-week Analytic Writing for Fusion Center Analysts course, which provides training on the intelligence process and writing to intelligence community standards.

At the request of the NFCA, the FBI has also provided greater guidance to its fusion center partners on the FBI's most commonly shared products and how they should be further disseminated, as well as joint guidance to State and local partners regarding actions they may expect from the FBI and DHS in response to specific and credible threats or incidents.

In coordination with the Major Cities Chiefs Association, the FBI is developing a process to aid police departments in identifying and prioritizing threats within their areas of responsibility, with the ability to then compare their findings with departments across other jurisdictions.

From the above, it is clear that the FBI is more integrated with its law enforcement partners than ever before on the terrorism threat. Moreover, coordination with our Federal partners is much stronger and more collaborative. The FBI and DHS regularly hold

joint conference calls with our law enforcement partners as terrorism and other critical incidents unfold.

These calls are generally at the un-Classified level, but may be Classified depending on the nature of the event. These calls enable the FBI and DHS to provide timely but, more importantly, accurate information to our partners, who seek a consistent message from their Federal partners.

For example, following the recent attacks in Austin, Texas, the Austin chief of police, with support from special agents in charge of the FBI and ATF offices, hosted a conference call to provide in-depth details regarding the investigation and on-going efforts. Several thousand law enforcement personnel, utilizing over 300 phone lines, participated in the call to gain insight into the attacker's methods and tactics and to discuss how resources can be deployed in support of these events.

Five years after the tragic attacks in Boston, we are witnessing a shift in the threat landscape. While we remain intently focused on counterterrorism efforts, law enforcement departments and agencies across the country are facing an unprecedented increase in a multitude of threats.

Violent crime, mass casualties, and school violence are prevalent, while nation-state adversaries are becoming bolder in their efforts to sow discord within our communities. The volume and variety of these threats require that State, local, and Federal law enforcement and Homeland Security personnel understand the threats, openly discuss and share information on the threats and identify means to collectively mitigate the threats.

In conclusion, the FBI today is sharing more information with its law enforcement partners than ever before. Our partnerships are strong and must continue to grow. This occurs through daily interactions and direct support to interagency initiatives, such as the FBI hosting the upcoming 2018 Intelligence Summit, which is intended to further improve information-sharing practices with our law enforcement partners.

We are assessing where the FBI can do better and we are making changes. One significant example is the on-going Guardian expansion project, which will enable the FBI to manage tips and complaints across all program areas with a single intake system for suspicious activity reporting, tips, leads, and other information received by the FBI, to include information received through the FBI's public access line.

Despite this, the FBI and its law enforcement partners still face challenges that are difficult to overcome and therefore limit our ability to fully identify, collect, and share information. The "Going Dark" problem is preventing enforcement, who have a legal authority, from obtaining critical evidence in support of criminal and National security investigations.

The Dark Web is enabling illicit and criminal activities that are far more difficult to dismantle. The FBI is providing Dark Web familiarization training to local law enforcement partners to provide familiarity on the methods and tools used to conduct these investigations against actors utilizing Dark Web, but more is needed.

This concludes my remarks, Mr. Chairman. I would be happy to respond to any questions.

[The prepared statement of Mr. Sleeper follows:]

PREPARED STATEMENT OF KERRY L. SLEEPER

APRIL 18, 2018

It is my privilege to appear before you today as the assistant director of the FBI for the Office of Partner Engagement. We welcome this opportunity to meet regarding the status of the FBI's information-sharing initiatives within the FBI and with our law enforcement partners.

The OPE implements initiatives and strategies which support engagement, communication, coordination, and cooperation efforts with law enforcement, intelligence, public and private agencies and partners in a continuous effort to enhance the FBI's capabilities in the Domestic Information-Sharing Architecture. The OPE accomplishes this mission by establishing and maintaining methods and practices to enhance engagement, coordination, and information sharing with the U.S. intelligence community; intelligence commander groups; Federal, State, local, and Tribal law enforcement; and public and private organizations and working groups.

BOSTON AND POST-BOSTON

I would like to begin my prepared remarks by affirming the FBI's continued commitment to ensuring threat information is shared accurately and timely among our valued Federal, State, local, Tribal, and territorial law enforcement partners. As we are all aware, the devastating attacks at the 2013 Boston Marathon highlighted challenges and deficiencies in information sharing. In response, the FBI—working with this and several of our oversight committees as well as National-level law enforcement associations—took several steps to enhance information sharing with our State and local partners, to include regular FBI executive meetings with key partners; improvements to Joint Terrorism Task Forces (“JTTF”) processes and procedures for sharing information; and enhancements to the eGuardian program, which today facilitates the reporting and sharing of terrorism, criminal, and cyber events and suspicious activities by our law enforcement partners. Additionally, the FBI continues to strengthen its partnership with the Organized Crime Drug Enforcement Task Forces (“OCDETF”) in order to identify and link counterterrorism investigations through law enforcement investigation records that reside at the Department of Justice's multi-agency OCDETF Fusion Center, which regularly supports several investigations, including the Boston Bombing investigation.

Shortly after the attacks in Boston, the FBI witnessed a significant increase in the threat from ISIS and its affiliates, from al-Qaeda, and from other terrorist organizations. The threat from international terrorism has become more diversified and individualized, as lone actors continue to self-radicalize in the homeland. This shift requires the FBI to evaluate more closely the effectiveness of terrorism information sharing with our law enforcement partners. In doing this, the FBI has undertaken several initiatives to improve engagement and collaboration.

In coordination with the National Fusion Center Association (“NFCA”) and other Federal partners, the FBI developed the Enhanced Engagement Initiative, or “EEI.” The EEI is a resource designed to provide FBI field offices and fusion centers with a common set of recommendations to ensure greater continuity and standardization of terrorism information-sharing efforts. By focusing on key areas of engagement (such as JTTF participation and coordination, suspicious activity reporting, and intelligence analysis, production, and dissemination), the EEI supports the FBI and its efforts to ensure that State and local fusion centers have a complete understanding of the terrorism threat and are appropriately leveraged with other field-based information-sharing partners to address the ever-changing threat landscape.

In support of the EEI, the FBI has developed and delivers a 2-week Analytic Writing for Fusion Center Analysts course, which provides training on the intelligence process and writing to intelligence community standards. This course has enabled fusion centers to identify greater opportunities to write intelligence products that benefit both their local area of responsibility and the Federal Government. It is anticipated that more than 130 fusion center analysts will successfully complete this training by the end of the fiscal year. At the request of the NFCA, the FBI also has provided greater guidance to its fusion center partners, using additional resources. We recently developed and disseminated a document entitled, “Dissemination of FBI Threat Information to State and Major Urban Area Fusion Centers,” which provides a list of the FBI's most commonly shared products and guidance on how they should be further disseminated. Last year, in coordination with the Department of Homeland Security, the FBI developed and broadly disseminated the “Emerging Threat and Incident Notifications” document to provide State and local

partners with an overview of actions they may expect from the FBI and DHS in response to specific and credible threats or incidents.

From the above, it is clear that the FBI is more integrated with its law enforcement partners than ever before on the terrorism threat. Nearly 90 FBI personnel are assigned to 64 of the 79 fusion centers, and the FBI's Classified network, FBINET, is installed in 58 centers. Ten fusion centers are co-located with the FBI, and we continue to process security clearances for fusion center personnel, while engaging in joint initiatives that are yielding positive results. In addition, we have witnessed growth within our JTTFs, with a total of 184 JTTFs and over 4,300 JTTF members across the country. Simply stated, FBI JTTF investigations, disruptions, arrests, and convictions cannot occur without the tremendous support and dedication of our law enforcement partners in the field.

Moreover, coordination with our Federal partners is much stronger and more collaborative. The FBI and DHS regularly hold joint conference calls with our law enforcement partners as terrorism and other critical incidents unfold. These calls generally are at the un-Classified level, but may be Classified depending on the nature of the event. The calls enable the FBI and DHS to provide timely but, more importantly, accurate information to our partners, who seek a consistent message from the Federal Government. For example, following the recent bomb attacks in Austin, Texas, the Austin Chief of Police, with support from the Special Agents in Charge of the local FBI and ATF offices, hosted a conference call to provide in-depth details regarding the investigation and on-going efforts. Thousands of law enforcement personnel on over 300 lines participated in the call to gain insight into the attacker's methods and tactics, and to discuss how resources can be deployed in support of these types of events.

Five years after the tragic attacks in Boston, we are witnessing a shift in the threat landscape. While we all remain intently focused on counterterrorism efforts, law enforcement departments and agencies across the country are facing an unprecedented increase in a multitude of threats. Violent crime, mass casualties, and school violence remain formidable threats, while nation-state adversaries are becoming bolder in their efforts to sow discord within our communities. The volume and variety of these threats require that State, local, and Federal law enforcement and homeland security personnel understand the threats, openly discuss and share information on the threats, and identify means to collectively mitigate the threats.

#### VIOLENT CRIME TRENDS

To better understand violent crime trends, the FBI is working closely with several National-level law enforcement associations on programs and initiatives aimed at providing greater awareness and collaboration on priority threats. The FBI is collecting homicide and shooting data for inclusion in monthly and annual reports that are disseminated to participating departments and agencies. These reports provide real-time awareness of relevant data, which inform FBI and National-level strategies to combat violent crime. We also have created the Law Enforcement Watch, which is an FBI product that captures relevant news articles pertaining to executive-level law enforcement issues, school violence, police killed or injured in action, and use of force. This product is produced daily and is distributed broadly to our law enforcement partners for their situational awareness.

In coordination with the Major Cities Chiefs Association ("MCCA"), the FBI is developing a process to aid police departments in identifying and prioritizing criminal threats within their areas of responsibility, with the ability to then compare their findings with those of departments across other jurisdictions. In response to a request from the MCCA, the FBI developed and delivers the Introduction to Intelligence Theory & Application for Law Enforcement Supervisors course, which is designed to assist law enforcement supervisors who oversee intelligence units to implement and manage intelligence-led policing. The FBI and Major Cities Chiefs also have engaged in an in-depth study to identify National-level best practices to reduce the rise in violent crime across some of America's most violent cities. Additionally, the FBI is in its second consecutive year of conducting studies identifying commonalities among assailants who killed or attacked law enforcement officers. We believe that this research will provide law enforcement partners with information on assailants' mindset, which may help in identifying additional officer-safety measures.

#### MASS CASUALTY EVENTS

Perhaps one of the most troubling threats currently facing law enforcement is mass casualty events, including attacks within and violent threats against our schools. The FBI is leading several initiatives aimed at providing awareness and

education to better equip our law enforcement partners to respond to on-going threats, but more importantly, to identify and mitigate threats before they occur.

The FBI continues to provide basic active-shooter response training, known as ALERRT, to sworn law enforcement officers within the United States and to foreign partners abroad. This 16-hour course provides law enforcement officers with standard tactical training on how best to isolate, distract, and neutralize an active shooter. In response to threats against schools, the FBI is prioritizing ALERRT training for School Resource Officers. The FBI also continues to collect active-shooter data, and will soon publish a biennial report of active-shooter incidents that will cover the 2016–2017 time frame.

In response to tragic events like the October 2017 mass shooting in Las Vegas, the FBI is developing the Escape Public Awareness Campaign, which will focus on public awareness messages emphasizing the importance of quick action to escape the scene of an active, violent attack. It is the FBI's hope that these messages will inspire quick action by potential victims that will reduce casualties.

In the wake of the February 14 school shooting in Parkland, Florida, the FBI is engaging more proactively with its law enforcement partners on school threats. We are compiling and sharing data related to threats of violent attacks against schools, while discussing how best to accurately collect this data in a standard way across the country. Our Behavioral Analysis specialists at Headquarters and in each field office are actively engaged with field office personnel and local law enforcement who are working school threats, as well as with community members who require greater education on the threat. Recently, our Behavioral Threat Assessment Center ("BTAC") provided FBI field coordinators with numerous resources to utilize in outreach efforts, including "The School Shooter—A Quick Reference Guide." In addition to providing key questions and descriptive statistics and motives, this 1-page guide along with a corresponding training presentation for use in outreach efforts, identifies concerning behaviors and potential warning signs of a shooter that should prompt further inquiry by appropriate community members or law enforcement. Furthermore, the FBI's BTAC has embarked on an aggressive field-wide threat assessment enhancement effort that will include the provision of advanced training for field office personnel on threat assessment and threat management.

The FBI also intends to address school shootings through the development of a documentary video that explores the details of past shooting events. This video will examine factors that led to the perpetrator's attack, behaviors, and indicators of a potential shooter, and preventive measures that should be considered by schools and law enforcement. This video will be the third in a series created by the FBI to build community awareness of the pathways to violent behavior. In addition, in the coming months, the FBI intends to host a school violence seminar with key law enforcement partners to discuss several aspects of this increasing threat (including what we have learned from Parkland), crisis intervention and response plans, and information sharing.

#### COUNTERINTELLIGENCE THREAT

I would now like to shift my comments to the counterintelligence threat, which typically has not been a topic of information sharing with our law enforcement partners, but must be central to discussions moving forward. The FBI conducts targeted outreach within the intelligence community and with entities possessing information and assets sought by our enemies. However, the tactics of our adversaries have broadened beyond more traditional methods, requiring greater awareness and engagement with our local law enforcement partners. In response, the FBI is developing a Counterintelligence Awareness and Information Sharing program designed to increase awareness, information sharing, and reporting on counterintelligence matters that could affect our law enforcement partners. The FBI currently is providing counterintelligence threat briefings at National-level law enforcement meetings and other appropriate venues, and is disseminating a monthly Counterintelligence Bulletin that contains an overview of relevant hearings, press releases, and reporting on counterintelligence matters. Moving forward, the FBI would like to work more closely with its law enforcement partners to identify incidents of state-sponsored influence campaigns intended to fuel discord within local communities.

#### CONCLUSION AND CHALLENGES

The FBI today is sharing more information with its law enforcement partners than ever before. Our partnerships are strong, and will continue to grow. This occurs through daily interactions and direct support to interagency initiatives, such as the FBI hosting the upcoming 2018 Intelligence Summit, which is intended to further improve information-sharing practices with our law enforcement partners.

We are assessing where the FBI can do better and we are making changes. One significant example is the on-going Guardian Expansion Project, which will enable the FBI to manage tips and complaints across all program areas, with a single intake system for suspicious activity reporting, tips, leads, and other information received by the FBI, including information received through the FBI's Public Access Line.

Despite this, the FBI and its law enforcement partners still face challenges that are difficult to overcome and therefore limit our ability to fully identify, collect, and share information. The "Going Dark" problem is inhibiting law enforcement's ability, even with legal authority, from obtaining critical evidence in support of criminal and National security investigations. The Dark Web is enabling illicit and criminal activities that are more difficult to dismantle. The FBI is providing Dark Web Familiarization training to law enforcement partners to provide familiarity on the methods and tools used to conduct investigations and to assist Federal agencies investigating actors who use the Dark Web, but more is needed. Finally, appropriately addressing potentially violent persons who also have underlying mental disorders or mental illness remains a concern for public safety. The FBI currently is developing training for FBI Investigative personnel to recognize the signs of mental illness, and to identify techniques and resources available to all law enforcement when interacting with persons exhibiting signs of a potential mental disorder or illness. More resources and commitments are also required at the Federal, State, local, and community level to effectively understand and address this issue.

This concludes my prepared remarks, Mr. Chairman. I would be happy to respond to any questions.

Chairman McCAUL. Thank you, Director Sleeper. Let me just comment on the Going Dark issue. This committee issued a report on that—

Mr. SLEEPER. Yes, sir.

Chairman McCAUL [continuing]. Problem, and I would recognize it from a law enforcement standpoint. I stand committed to working with you to resolve it.

The Chair now recognizes Assistant Director McDermond.

**STATEMENT OF JAMES E. MCDERMOND, ASSISTANT DIRECTOR, OFFICE OF STRATEGIC INTELLIGENCE AND INFORMATION BUREAU, BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES, U.S. DEPARTMENT OF JUSTICE**

Mr. MCDERMOND. Chairman McCaul, Ranking Member Watson Coleman, and Members of the committee, thank you for the opportunity to appear before you today to discuss the ways the Bureau of Alcohol, Tobacco, Firearms, and Explosives shares threat information and intelligence with its Federal, State, and local law enforcement partners.

I am honored to be here today with FBI Assistant Director Kerry Sleeper, a leader in promoting information sharing and coordination among law enforcement.

Before discussing the important subject of information sharing, on behalf of Deputy Director Brandon and all of the men and women of ATF, I extend deeply-felt condolences to the families, friends, and loved ones of those who were killed or injured during the recent bombings in Austin, Texas.

The senseless Austin bombings are another terrible and compelling reminder of the need for ATF to maintain unrelenting vigilance in our mission to identify and combat criminals who use firearms, explosives, and fire to commit violent crimes.

ATF's core mission includes preventing the criminal diversion and misuse of explosives and the investigation of arson and criminal bombing incidents.

A central aspect of this mission is providing support to our law enforcement and public safety partners who also respond to and investigate bombing and arson incidents. We do this through training, research and development, and leveraging expertise and technology, and importantly, providing access to timely, accurate information.

In 2004, then-Attorney General Ashcroft directed the consolidation of all Department of Justice arson and explosive incident databases into a single system, known today as ATF's Bomb Arson Tracking System, and that it be administered by the United States Bomb Data Center.

BATS is a web-based case management system which provides Federal, State, and local arson and explosive investigators access to up-to-date arson and explosive investigative data from across the Nation.

While I have focused much of my written statement for the record to the committee on ATF's capacity to share information and support investigations involving arson and explosives, I would also like to describe briefly ATF's broader commitment to the development and sharing of intelligence and information, particularly with respect to violent criminals and criminal organizations, such as gangs.

Throughout our existence, ATF has pioneered ways of providing law enforcement community with timely access to intelligence about violent criminals. For example, in 1994, ATF established the Violent Gangs and Terrorist Organization File, known as VGTOF, within the National Crime Information Center system, known as NCIC. The VGTOF file provides secure access to NCIC users to intelligence information about violent gangs and their membership.

To enhance ready access to ATF's information and intelligence data, in 2006, we established and continue to maintain an information portal on the Regional Information Sharing System known as RISSNET, a Congressionally-funded program consisting of over 9,000 law enforcement member agencies with 130,000 authorized users; seamless, secure access to our BATS database; eTrace firearms tracking system; and our GangNet intelligence database.

In addition, ATF provides open and closed investigative case data from our case management system to the FBI's National Data Exchange known as N-DEX. N-DEX is a National information-sharing system that enables criminal justice agencies to share, link, analyze and share local, State, Tribal, and Federal records.

Last, ATF posts intelligence products in the form of bulletins, alerts, advisories, and general intelligence information on the Homeland Security Information Network known as HSIN.

The ultimate successes in Boston and Austin bombing investigations reinforced a principle ATF has long recognized: Building and maintaining established partnerships based on trust and mutual respect is essential to effective information sharing in both daily routine interactions and when critical incidents occur.

As a result of our deep-rooted daily working relationships with Federal, State, and local law enforcement organizations, formal and informal information sharing is a daily occurrence for ATF. We continue to focus on strengthening those relationships to enhance



further communication of the critical information needed to keep our community safe.

Mr. Chairman and Members of the committee, thank you again for this opportunity to discuss with you the importance of law enforcement information sharing. We look forward to working with this committee and Members of Congress to better serve and protect our Nation. I am happy to answer any questions that the committee may have. Thank you.

[The prepared statement of Mr. McDermond follows:]

PREPARED STATEMENT OF JAMES E. McDERMOND

APRIL 18, 2018

Chairman McCaul, Ranking Member Thompson, and Members of the committee, thank you for the opportunity to appear before you today to discuss the ways in which the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) shares threat information and intelligence with its Federal, State, and local law enforcement partners.

Before discussing the important subject of data sharing, on behalf of Deputy Director Brandon and all of the men and women of ATF, I extend deeply felt condolences to the families, friends, and loved ones of those who were killed or injured during the recent bombings in Austin, Texas. The senseless Austin bombings are another terrible and compelling reminder of the need for ATF to maintain unrelenting vigilance in our mission to identify and combat criminals who use firearms, explosives, and fire to commit violent crimes.

ATF is committed to protecting our communities from violent criminals, criminal organizations, the illegal use and trafficking of firearms, the illegal use and storage of explosives, bombings, acts of arson, and acts of terrorism, and we have long recognized the critical role that information and intelligence sharing serves in keeping our communities safe. To ensure we receive and share information that is crucial to public safety, ATF vigorously cultivates deep and enduring relationships with communities, industries we regulate, law enforcement partners, and public safety agencies. We work very closely with State and local law enforcement to reduce and prevent the firearm violence that plagues too many of our communities, and to share our expertise and unique resources in the investigation and prevention of arson and the criminal use of explosives. When ATF obtains information through its investigations—or by any other sources—relating to terrorism, we immediately provide that information to our partners at the Federal Bureau of Investigation (FBI). Our role in combatting terrorism is to be the best possible partner to the FBI, and I am honored to be here today with FBI Assistant Director Kerry Sleeper, a leader in consistently promoting information sharing and coordination among law enforcement.

I would like to highlight for you some of the programs through which ATF shares information and provides training, resources, and expertise to our law enforcement partners, and discuss with the committee the role ATF has played in critical incident investigations such as the Boston Marathon bombing and the recent serial bombing in Austin, Texas.

ATF's core mission includes preventing the criminal diversion and misuse of explosives and the investigation of arson and criminal bombing incidents. A central aspect of this mission is providing support to our law enforcement and public safety partners who also respond to and investigate bombing and arson events. We do this through training and research, development and leveraging expertise and technology, and, importantly, providing access to timely, accurate information. ATF provides these services through several unique programs that are coordinated through ATF's National Center for Explosives Training and Research (NCETR). The main NCETR campus is located in Huntsville, Alabama, on the Army's Redstone Arsenal; this facility houses ATF's Explosives Enforcement and Training Division, Explosives Research and Development Division, Fire Investigation and Arson Enforcement Division, and the United States Bomb Data Center (USBDC).

The USBDC is now the sole National repository for explosives and arson-related incident data. ATF has operated the USBDC since Congress directed its establishment in the Federal explosives laws. The USBDC's mission is to increase regional and National situational awareness by collecting, analyzing, and disseminating information and intelligence products to assist Federal agents; investigators from State, local, Tribal, and military departments; and international partners in pre-

venting violent crime and acts of terrorism. These products include statistical and technical information, as well as analysis trends related to the criminal use of explosives and arson. Another key function of the USBDC is to collect information about the theft or loss of explosive materials. Explosives licensees and permittees are required by Federal law to report theft or loss of explosives to ATF and local authorities within 24 hours. Using this theft/loss data, the USBDC provides timely security alerts to U.S. law enforcement partners across the country when these incidents occur. ATF has developed the USBDC into a vital intelligence and information resource, with current participation from more than 2,600 interagency partners.

In 2004, then-Attorney General Ashcroft directed the consolidation of all Department of Justice arson and explosives incident databases into a single system. To execute this directive, ATF, through the USBDC, established the Bomb Arson Tracking System (BATS). BATS garnered wide acceptance, and now has nearly 13,000 active users and contains information on more than 490,000 explosives and arson-related incidents.

ATF's National Canine Division (NCD) in Front Royal, Virginia, is another vital component of ATF's support for our law enforcement partners in the investigation of explosives, arson, and firearms offenses. The NCD trains teams of explosives and accelerant detection canines and handlers for ATF's own arson and explosives mission, and for numerous Federal, State, local, and international law enforcement partners. The NCD utilizes the National Odor Recognition Training Standard (NORT), an ATF-developed cutting-edge training regimen that enables trained canines to detect more than 19,000 different explosives compounds. Congress has recognized this standard as a benchmark for explosives canine proficiency. Since 1990, ATF has trained 919 explosives and 253 accelerant canine detection teams. ATF-trained canine teams are utilized across the country and by several foreign partner law enforcement agencies, and they serve a crucial role in protecting the public.

In addition to the support provided by the USBDC, BATS, and the NCD, one of the most important assets ATF contributes to our Nation's capacity to prevent, investigate, and solve crimes involving arson and explosives is a specialized cadre of ATF Special Agents who receive unparalleled training in the scientific, technical, and legal aspects of investigating crimes involving fire and explosives. This cadre of agents is trained through our Certified Fire Investigator (CFI) and Certified Explosives Specialists (CES) programs. ATF's CFIs are the only certified fire investigators in the Federal Government, and their support is routinely sought by our State and local partners for arson investigations involving loss of life and major property damage. In 2017, ATF CFIs conducted more than 2,300 fire scene examinations.

ATF's CESs specialize in the investigation of non-terrorism-related criminal acts involving explosives, bombings, and explosives threats, which comprise more than 90 percent of all explosives-related incidents Nationally every year. As with our CFIs, our State and local partners frequently request assistance from ATF CESs when bombings and other explosives incidents occur. ATF CESs are often assisted by highly-skilled Explosives Enforcement Officers (EEO). EEOs are ATF's technical experts in matters involving improvised explosive devices (IED) and destructive devices. Many of ATF EEOs previously served as explosive ordnance disposal technicians in the U.S. military, where they initially received specialized explosives training. EEOs render bombs and other destructive devices safe, conduct advanced disassembly procedures in order to preserve and exploit evidence, provide explosives device determinations for criminal prosecutions, and routinely conduct explosives threat assessments of vulnerable buildings, airports, and National monuments. On average, an ATF EEO has 16 years of experience in the explosives field before joining ATF. Together with other ATF Special Agents, and often with the support of EEOs, ATF CESs opened approximately 1,000 explosives investigations in fiscal year 2017. In calendar year 2016, BATS reported 699 explosions of which 439 were bombings.

ATF's Forensic Science Laboratories (FSL) and its Fire Research Laboratory (FRL) also provide substantial support to our State and local partners through the examination and analysis of evidence, expert testimony, technical support, and advanced training. Similar to the CFI program, the FRL is the only National laboratory dedicated to the research of fire-science, and is the most comprehensive criminal fire research facility in the world. ATF's forensic scientists, examiners, and technicians specialize in the examination of evidence typically recovered in fire, explosives, and firearm-related crimes, and our partners frequently rely on their expertise to assist in the most challenging investigations of violent crimes and fire and explosives incidents.

The Boston Marathon bombing and the recent serial bombings in Austin are two high-profile examples of the support ATF routinely provides to our Federal, State, and local partners when an explosives incident occurs. More than 200 ATF per-

sonnel directly participated in the investigation of the Boston Marathon bombing. These personnel included 6 CESs, 5 laboratory chemists, and 9 explosive detection canine teams, who worked side-by-side with the Boston Police Department, Massachusetts State Police, and FBI in the post-blast investigation, including the clearing of unattended bags left by bystanders at the Marathon blast scene to render the area safe for investigators. ATF also served a critical role in the tracing of a firearm with an obliterated serial number that was used by the bombers in a shoot-out with the police, and an ATF Special Agent medic, on-scene at the arrest of the surviving bomber, provided critical first-aid.

In Austin, ATF CESs responded with the Austin Police Department (PD) to the initial bombing on March 2, and continued to work closely with Austin Police and the FBI as the bombings continued over a 19-day period. As the investigation unfolded, more than 110 ATF personnel directly participated in round-the-clock operations, including 7 CESs, 3 EEOs, 4 CFIs, and 14 explosives detection canine teams. At the request of the Austin PD, ATF's forensic lab served as the sole forensic examiner of the more than 200 pieces of evidence recovered from the detonated and disarmed IEDs involved in the bombings. ATF Special Agents were also the affiants for the Federal arrest warrant issued for the suspect before he killed himself by detonating an explosive device (when Austin PD attempted to execute that warrant) and for the Federal search warrant for the suspect's residence.

In both Boston and Austin, ATF and the FBI fully coordinated their support to the local authorities, sharing intelligence and crucial information as the investigations unfolded. This coordination reflected ATF and the FBI's parallel understanding that building and maintaining established partnerships based on trust and mutual respect is essential to effective information sharing in both daily, routine interactions, and when critical incidents occur. As a result of our deep-rooted daily working relationships with State and local law enforcement organizations, formal and informal information sharing is a daily occurrence for ATF, and we will continue to focus on strengthening those relationships to further enhance two-way communication of critical information.

Finally, recent events have focused attention on another aspect of information sharing, which is how law enforcement organizations handle tips received from the public. In light of these events, ATF conducted a thorough review of its processes and procedures for handling tips. As a result of that review, we have developed and deployed a new system called "iTip" to receive, review, and act upon tips from the public. "iTip" is an electronic system which permits us to document, disseminate, and track tips we receive from the public, and we have updated our protocols and policies to ensure consistent, effective follow-through on these tips.

Mr. Chairman and Members of the committee, thank you again for the opportunity to discuss with you the importance of law enforcement information sharing. We look forward to working with this committee and Members of Congress to better serve and protect our Nation.

I am happy to answer any questions that the committee may have.

Chairman MCCAUL. Thank you, Director McDermond. Let me just say at the outset, I think while maybe too often Members of Congress are critical and while we do have an oversight responsibility, I just want to personally thank both the FBI and the ATF for a job well done in my home town of Austin.

I met with members of ATF locally. I went by the local field office of the FBI to say thank you and present a flag and meet the agents. I won't describe the one who provided the critical analysis on this case, but just very impressive work. I just want to say as a resident of Austin, thank you for what you did.

Mr. MCDERMOND. Thank you, Mr. Chairman.

Mr. SLEEPER. Thank you.@

Chairman MCCAUL. Thank you. You know, and the whole Boston hearings, it was not ever, and I always said this was not intended as a gotcha exercise but rather how can we learn? As with anything, there is a post-mortem lessons learned. We can learn from any event like that to see how we can do a better job.

I commend the FBI for making progress since the Boston bombings in several key areas that I think made a difference when it

came to Austin. I want to go through some of these and then, Director Sleeper, allow you to comment, and Director McDermond.

As you know, this committee made several recommendations in its report, many of which were adopted. I think the most critical was the amended language on the MOUs with locals to emphasize that information sharing is encouraged, not discouraged, particularly in the Boston case, the police commissioner not having access to the information that his people in his police department did.

Senior leaders pledged to communicate the value of information sharing. They conducted regular briefings, expanded access to classified Guardian system and unclassified Guardian, and expanded access to other FBI databases. That is a big step forward with Federal, State, and local.

Then, finally, DHS made changes to how records of travelers reviewed by customs personnel, which was a problem in the Boston case, to enhance those systems, you know, and make sure that CBP and JTTF officers pass that information to the JTTF case agents electronically rather than writing down on Post-it Notes, which is what happened, as you know, in the Boston case.

So if you wouldn't mind commenting on that? But I also just want to—not only was the Federal, State, and local partnership exemplary in the Austin model, but I think also between the Federal agencies. I heard nothing but how FBI and ATF worked so well together and that hasn't historically always been the case. Either it is State and local level or between Federal law enforcement agencies, so I want to commend you for that.

Director Sleeper, would you like to comment on the progress that the FBI has made?

Mr. SLEEPER. Mr. Chairman, thank you. As I said in my opening testimony, the FBI recognized the deficiencies in information sharing post-Boston and the appropriate changes. Working closely with our partners, mutual changes were agreed upon and made. It wasn't just the changes in the information-sharing processes, procedures, MOUs; it went well beyond that.

It was a cultural shift not only in the Federal Government, not only in the FBI, but our State and local partners, recognizing we are facing a diversified threat now, far more diversified than ever. We can't effectively address that in the law enforcement community unless we are working shoulder-to-shoulder.

Those 1,000 State and local officers that are in our JTTFs are shoulder-to-shoulder with our agents. Director Wray frequently cites examples of him going into field offices and being briefed by the JTTFs and it is actually a State and a local officer, a unit supervisor, that is briefing him.

So we have come a long ways. We will continue to, obviously, drive that integration because a threat demands it. The public demands that we are as responsible as possible. But certainly this committee assisted us post-Boston in understanding and appreciating where we needed to go with our partners, so we appreciate your support in that process.

Chairman MCCAUL. Thank you. Thank you for mentioning the culture change. We recommended that, but we can't legislate that. But I had personally, as a former Federal prosecutor both before and after 9/11 and now today have, have really seen the change.

It is really one for the better. I think the FBI was very wise to hire you, sir, as a local sheriff in Vermont to be in the position you are in today.

Mr. SLEEPER. A trooper, sir, but thank you.

Chairman MCCAUL. Director McDermond.

Mr. McDERMOND. Thank you, Mr. Chairman. I would just say that, you know, we have all made great strides since 9/11 to better keep each other informed. But I would say that, you know, as an organization, ATF is one that prides itself on partnerships and relationships.

It is through those relationships, particularly during a critical incident wherein the information is not yet in any one database that we have made available to our partners, but it is through those relationships that the trust is built, which enables that free flow of information, I think, as the chief of Austin indicated in his case, you know, all of those initials were left at the door. That is what is important.

But again, we are an agency that works day in and day out with our partners. We cannot complete our mission without those partnerships. Again, it is through those partnerships that the trust is built so that when a critical incident presents itself those barriers no longer exist.

Chairman MCCAUL. Yes, I like the phrase the chief used and yourself: Leaving the titles at the door.

So the Chair now recognizes Ms. Watson Coleman.

Mrs. WATSON COLEMAN. Thank you very much. Let me thank you both for your service. Let me just say that I am a proud American and I am proud of your organizations and the professionalism that is displayed by all of your employees.

I have some questions, and I really want to just focus a little bit on what happened in Parkland as an illustration of how we fail to recognize that there were instances of See Something, Say Something and tips, but we weren't able to really do what we needed to do to preclude that horrible situation.

When the FBI receives a call to the tip hotline, what is the process for responding to that, to evaluating it or addressing the tip? Who actually gets that call? Specifically, what were the gaps that resulted in the failure to address the reported tips about Nikolas Cruz, who subsequently carried out this tragic shooting in Parkland? What has the FBI done to prevent this from reoccurring?

Mr. SLEEPER. Thank you, Representative.

Mrs. WATSON COLEMAN. Thank you, Mr. Sleeper.

Mr. SLEEPER. First, let me state very clearly, as the director and the deputy director have said, the FBI could have and should have done more to further investigate the tip that—

Mrs. WATSON COLEMAN. I appreciate that. I just want to know what happened.

Mr. SLEEPER. So there is an on-going internal investigation on that, Representative, now. We would be able to fill you in more completely once that investigation is completed. What I can tell you is there was immediate remedial action taken to address the initially-observed deficiency, that is the failure to understand the threat completely and communicate it into an information-sharing system.

But the details on it, due to the internal investigation, Representative, I would like to wait until that is completed, and we will get back to you with the details on it.

Mrs. WATSON COLEMAN. So let me just ask you this, actually, through the Chairman. A, would the information that you need to share with me that I am interested in, specifically an answer to these questions, would that need to be done in a Classified setting?

Mr. SLEEPER. No, it would not.

Mrs. WATSON COLEMAN. OK. So then I am going to ask that we do have a very detailed response to each aspect of this question that I have put forth here today. Not to criticize, but to understand what in the system didn't work and what are we doing about it now that should ensure that something of this nature, with so much scuttlebutt going on around this individual, not happen again.

Mr. SLEEPER. Representative, the FBI wants to provide complete transparency on this process. We just need to wait until this internal process is completed before—

Mrs. WATSON COLEMAN. How long do you think that is going to be?

Mr. SLEEPER. I will find out for you, Representative, and get back to you.

Mrs. WATSON COLEMAN. Thank you so much. It is my understanding that after the Boston bombing, the FBI sent out a directive to the field requiring increased information sharing between the FBI, the Federal, State, and local law enforcement agencies. A, what did that directive require? Does the FBI still follow that directive today?

What other initiatives or measures has the FBI implemented since Boston to promote information sharing on Homeland Security threats? What more remains to be done? I can repeat every one of those questions to you one-by-one, if you want.

Mr. SLEEPER. Representative, there have been a number of steps that continue to today, and let me start with today. Christopher Combs, the SAC from Austin who was working with the chief is briefing all of our special agents in charge of the FBI today at our SAC conference across the city.

He is briefing them on how information sharing should work and did work and the best practices. So continuously reinforcing to our leaders in the field how critical and how important it is.

Getting back to immediately post-Boston, this committee, Major Cities Chiefs, the FB, and a number of our partners convened a series of meeting on what would be effective for the FBI in order to improve information sharing. All of those recommendations were taken into consideration, each and every one of them.

All of them have been implemented in the sense of task force officers having complete access to information, task force officers being expected to look at all threat information for their AOR, not just the case they are working on, but all threat information in their AOR.

The closing of cases and Guardian leads, of conveying that information to State and local partners upon closure of the investigation determine if there is a continuing public safety concern on those individuals that we can't legally pursue any longer because of DIA

guidelines, but that individual still may be a public safety concern to the community.

Additional training of officers, a series of on-going steps occurred, and I would like to think that is why the chiefs that were here and the other chiefs that we work with literally on a daily basis, are saying that information between the FBI and their State and local partners is flowing very effectively. Where we do observe an issue, that is generally dealt with at the local field level and dealt with very quickly.

Mrs. WATSON COLEMAN. Thank you. I just had one last—OK. This has to do with information gaps as well. I am particularly focused on what needs to be done to ensure that everyone that needs to be feeding into this information sharing process is doing so.

I am reminded of the Sutherland Springs, Texas, shooter who, really because of his personal history, should not have been permitted to purchase a gun. Are you aware of anything that your office is doing or HEF is doing that working with our armed forces who has a responsibility to put this information someplace so that it is available when a person of this ilk that they know about shouldn't have a gun is able to purchase a gun?

I don't know if that is for you, Mr. Desmond. I probably think I need glasses that are stronger than the ones I am wearing. I am having a hard time today seeing. Mr. McDermond, I am sorry, having a hard time today focusing on distance. Thank you.

I don't know if that is the question that I needed to ask you. I need to know what is happening on a Federal level, talking to another partner here, which would be the armed forces, that has a responsibility to feed information into some kind of system where it should so that we would know that the person who committed that horrible crime at the church and killed all those innocent people would not have had access to a gun, the purchase of a gun, if his information were where it should have been.

If you can't answer it, you could tell me you will look into it and answer it, but it is a very important question.

Mr. MCDERMOND. Congresswoman Watson Coleman, I can say—

Mrs. WATSON COLEMAN. It is—as well.

Mr. MCDERMOND. That both the ATF and NFB are working with the Department of Defense to improve the input of military records. This is part of the attorney general's coordination to ensure that those records will now be placed into the NICS system.

Mrs. WATSON COLEMAN. OK.

Anything you need to add to that, Mr. Sleeper?

Mr. SLEEPER. Representative, what we are seeing as a result of the latest incidents, just as post-9/11 and Boston was a challenge in information sharing in the sense of taking foreign intelligence and bringing it in domestically and sharing it with our State and local partners, what we are seeing as a result of latest incidents, we are finding that there is information. There is threat information that is siloed in non-traditional partner information-sharing groups.

It is a complex issue. It is not going to be resolved easily. It needs to be done thoughtfully. But we need to recognize that many of the individuals that are committing these acts are known to law

enforcement, they are known to the mental health community, they are known to the social services community, and they are known to the education community as well.

All of those communities make some type of an assessment those individuals could be a risk or a threat, but seldom is that information integrated into a specific threat assessment on those individuals.

Mrs. WATSON COLEMAN. It is—right?

Mr. SLEEPER. That is where I see our challenge in moving toward.

Mrs. WATSON COLEMAN. Yes. Who would be the logical entity to sort of be the keeper of that information and the disseminator of it when necessary?

Mr. SLEEPER. We are just in the infancy of that discussion. I heard the chiefs have a discussion with the attorney general about a month ago, and this was the single issue regarding the threats to schools that was most alarming in the sense that many of these individuals have, for the lack of a better term, come upon our radar previously.

Some have been in treatment, some pass through treatment, some have been in jail, have come out of jail. How do we collectively, from a broad government perspective, share this information appropriately?

Mrs. WATSON COLEMAN. Yes, we need to collect it and have it someplace where it is easily retrievable and accountable. Yes, bingo.

Mr. SLEEPER. Those discussions are beginning to take place.

Mrs. WATSON COLEMAN. Yes, thank you Mr. Sleeper.

Thank you, Mr. Chairman. I yield back.

Chairman MCCAUL. That is a very good point.

Chair recognizes Mrs. Demings.

Mrs. DEMINGS. Thank you so much, Mr. Chairman. Thank you to both of our witnesses for being with us today.

Director Sleeper, back to Ms. Watson Coleman's original question about the tip line and the Parkland shooting, I certainly understand that you have an active investigation going on. We certainly would not want to compromise that in any way, just like we would not want to compromise any investigation that is going on.

But if tips started coming into your hotline this very moment, have steps been taken to prevent whatever went wrong in the Parkland shooting with those tips to prevent the same thing from happening again?

Mr. SLEEPER. Yes, they have.

Mrs. DEMINGS. Can you talk somewhat about that, what steps you have taken?

Mr. SLEEPER. Immediate steps involved a complete review of previous tips coming in to determine there was no hanging threat out there. Additional personnel have been assigned to the project to add an additional layer of supervision on decisions that are being made, so additional staff.

The size and volume of the tips of the PAL line, the Public Access Line, is quite remarkable, over 700,000 tips a year by phone, over 700,000 tips a year electronically. So about 1.5 million tips a year coming into that facility between phones and emails.



Again, a rapid evaluation by FBI executives and leadership to first immediately identify the deficiencies that were observed were mitigated. Those have been mitigated, Representative.

Mrs. DEMINGS. Great, thank you so much. I know that your bureau works very closely on a regular basis with local law enforcement. In your testimony, you mentioned that in response to school shootings like Parkland, that you are engaging more proactively with law enforcement. Can you talk a little bit about that as well?

Mr. SLEEPER. The discussion again with all of the associations—and the FBI will be hosting a school safety symposium in June sometime here in the District of Columbia to bring together the partners and coalesce what we in the law enforcement community can do to strengthen or prevent violence in our schools as much as we can.

The discussions are focusing around what can we do? What can we do more effectively in identifying behaviors and indicators that are likely to allow us to identify those most likely to commit an act of violence? What tools do we currently have that we can mitigate that threat?

Non-traditional tools may not rise to a level—that threat may not rise to the level of some type of criminal prosecution, but might we be able to leverage resources at the community level, such as community mental health, crisis interventions that could take that individual at risk and hopefully off-ramp them so that they don't commit an act.

In the future, longer-term discussions on how we can work with school resource officers, hardening of schools, and what we may be able to do. Yesterday, I met with Max Schachter. Tragically, his son was lost in Parkland. We had a significant discussion on what he and other people may be able to do to strengthen school safety and harden schools.

Mrs. DEMINGS. Thank you.

Director McDermond, could you talk a little bit about your, I believe it is the iTip line and your interaction and coordination with local law enforcement as well, particularly as it pertains to school shootings?

Mr. MCDERMOND. Yes, Congresswoman. With respect to our iTip line, that is as a result of the Parkland incident we took a look ourselves at how we handle tips coming into ATF. They come in through the traditional ways, tip lines, email, as well as text.

Since Parkland, we have taken additional steps to introduce new technology through our iTip. It is an app that can assist us in better managing those tips as they are received, triaged, and then acted upon. So if the tips are something that falls within our mission lane, more often than not we are notifying our local partners anyway because we cannot complete our mission without that support.

So they are aware of the tip really at the same time we are. If it is something that is outside our scope, our responsibility, we ensure that that information is immediately passed to the agency that has jurisdiction in that area.

With respect to school shootings, we are working very closely with the department on the initiatives that the attorney general has announced, or did announce, in March. But with respect to

what we are doing today, it is working with our partners in bringing our resources to bear to look at these types of incidents and what we can do to try to prevent them in the future.

Mrs. DEMINGS. Thank you.

Mr. Chairman, I yield back.

Chairman McCAUL. Gentlelady yields back.

I just had two quick follow-ups. Director Sleeper, on the MOUs and the recommendations, have the new MOUs been signed with all the JTTFs across the Nation?

Mr. SLEEPER. No, sir. They haven't all been signed simply because the difficulty in the thousands of MOUs that are out there and actually some agencies preferring not to sign MOUs. We have gone beyond the MOUs, Chairman.

I believe the MOU is intended to immediately address the concerns or the deficiencies that were observed. I believe we are light years beyond those initial recommendations. I am comfortable in speaking to my State and local partners that they concur with that.

Chairman McCAUL. Well, and clearly the previous panel agrees with you. The Guardian leads, I think one of the frustrations was the "case closed" mentality. Well, that case was closed and, even if there is new evidence, like the fact he went to Dagestan and back, would not reopen it.

I commend you for sharing that with the State and locals because I understand the DOJ guidelines as a formal Federal—and you are constrained by that. But if you can share it with State and locals, they can maybe provide further investigation and more eyes and ears on a potential, you know, suspect. So that is a very good change moving forward.

Then I will just end on the gun issue. I used to prosecute gun cases and the NICS, National—it is the check system. It is only as good as the information that is in it. I am glad that we were able to pass the Fix NICS Bill in the omnibus, which will hopefully get more data shared and put into the system so we don't have people falling through the cracks, like we have seen so many times previously.

I know, also, that your agency, sir, is looking at the bump stock issue and reviewing that. I think we are pretty much all in agreement that that, what happened in Vegas, turned a legal firearm into an illegal firearm.

So with that, I want to thank the witnesses for being here. The record will be held open for 10 days, according to committee rules, and the committee now stands adjourned.

[Whereupon, at 12:54 p.m., the committee was adjourned.]

## APPENDIX

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### QUESTIONS FROM HONORABLE LOU BARLETTA FOR BRIAN MANLEY

*Question 1a.* Recently, Pennsylvania law enforcement in my district experienced an attack during which a man opened fire on several officers in the city of Harrisburg. Thankfully, none of the officers were seriously injured, and the gunman was neutralized. However, my concern is not the effectiveness of our response to these types of events, but our efforts to prevent them from occurring in the first place.

Can any of you speak from the local law enforcement perspective as to what needs to be made available or improved to ensure information-sharing practices can prevent a future Boston Marathon or Austin bombings?

Answer. Response was not received at the time of publication.

*Question 1b.* How can we take steps now to better protect our communities from such attacks in the future?

Answer. Response was not received at the time of publication.

### QUESTIONS FROM HONORABLE DANIEL M. DONOVAN FOR BRIAN MANLEY

*Question 1a.* It is vital that the public have confidence in the alerts they receive from their Government—Federal, State, or local alerts. I fear that the erroneous alert in Hawaii in January may erode that trust and could lead to people opting out of the system.

Can you please share how wireless emergency alerts were used in Austin during the recent bombing attacks?

Answer. Response was not received at the time of publication.

*Question 1b.* How effective of a tool is this for Austin, Boston, and D.C. public safety agencies?

Answer. Response was not received at the time of publication.

*Question 2a.* New York City successfully used wireless emergency alerts to notify the public of the Chelsea bombing and solicit help in apprehending the suspect. However, the alerts would have been even more effective if authorities were able to include a photo of the suspect with the alert.

Can you please speak to some of the challenges you have faced with using wireless emergency alerts?

Answer. Response was not received at the time of publication.

*Question 2b.* What enhancements would you like to see to the system and how would that improve the effectiveness?

Answer. Response was not received at the time of publication.

### QUESTIONS FROM HONORABLE LOU BARLETTA FOR WILLIAM B. EVANS

*Question 1a.* Recently, Pennsylvania law enforcement in my district experienced an attack during which a man opened fire on several officers in the city of Harrisburg. Thankfully, none of the officers were seriously injured, and the gunman was neutralized. However, my concern is not the effectiveness of our response to these types of events, but our efforts to prevent them from occurring in the first place.

Can any of you speak from the local law enforcement perspective as to what needs to be made available or improved to ensure information-sharing practices can prevent a future Boston Marathon or Austin bombings?

*Question 1b.* How can we take steps now to better protect our communities from such attacks in the future?

Answer. As I have testified to previously, effective information sharing does not only include our law enforcement partners. In order to be successful, it requires relationships with the community. A great example of that success can be seen in the “See Something, Say Something” program. To further facilitate the reporting of suspicious activity, the Department has implemented an anonymous tip line that allows people to confidentially send information, either by phone or text, directly to

the Department if they observe a crime or other suspicious activity. Also, the Department has developed a comprehensive information-sharing partnership with our public and private-sector stakeholders called BRIC Shield. Stakeholders from the private sector and non-governmental organizations across the Metro Boston Region register to receive and share information through BRIC Shield for public safety and homeland security purposes. The information shared includes the latest crime bulletins, pattern and trend analysis of criminal activity in the region, international, National, and regional analysis of homeland security incidents and threats as they relate to the region, real-time alerts and situational awareness updates. As technology continues to advance, it is important for law enforcement agencies to ensure that they are utilizing these programs in the most effective and efficient manner to further the flow of information to the public and allow the public to share information in return.

Finally, the Department has committed personnel to various task forces and committees to further support open communication and information sharing. As indicated in my testimony, these include the National Network of Fusion Centers, the Joint Terrorism Task Force, the International Association of Chiefs of Police Committee on Terrorism, the Major City Chiefs Intelligence Commanders Group, and the National Operations Center.

In order to ensure that our officers are prepared when faced with another attack on our city, the Department is committed to providing training regarding suspicious activity reporting to the entire police force. Specifically, officers also receive training on suspicious activity and characteristics reporting, led by members of the BRIC. During this training, officers are given examples of suspicious activities, including weapons collection, surveillance, recruiting, and testing or probing of security, and are reminded of behaviors to look for during major public events. To ensure that all observations are reported appropriately, officers have multiple options, including in a police report or by contacting the BRIC directly. Analysts assigned to the BRIC can provide additional information when such a report is received, through open-source research and information sharing with other law enforcement agencies. Additionally, Homeland Security Analysts assigned to the BRIC are able to track the event as a Suspicious Activity Report, which enables them to identify trends and patterns, as well as share information with other law enforcement agencies.

The Department also participates in several multi-agency training exercises, designed to enhance the skills and abilities of our region's first responders, as well as those responsible for coordinating and managing large-scale incidents, and other members of the community. These exercises include Urban Shield and a multijurisdictional counterterrorism exercise at Fenway Park. These exercises identify and stretch regional resources to their limits and strengthens incident command systems, while expanding regional collaboration and building relationships.

#### QUESTIONS FROM HONORABLE DANIEL M. DONOVAN FOR WILLIAM B. EVANS

*Question 1a.* The Middle-Class Tax Relief and Job Creation Act of 2012 established the First Responder Network Authority (FirstNet) and allocated spectrum to public safety. Included in the FirstNet authorizing provisions was a requirement for jurisdictions operating on a spectrum known as the "T-Band" to migrate off that spectrum so it could be auctioned. The auction is required by 2021, with public safety migrating by 2023.

How will this migration impact public safety in Boston and the District of Columbia in the current threat climate?

*Question 1b.* What are you the most concerned about?

*Question 1c.* What costs are expected to be incurred with this change?

Answer. Migration from T-Band will not directly impact the Department systems but loss of T-Band frequencies would eliminate the BAPERN (Boston Area Police Emergency Radio Network) network which provides radio interoperability between jurisdictions in the Boston region and which the Department utilizes for multi-jurisdictional responses. The Department supports the decision to opt-in to FirstNet at the State level but also supports delaying the auction of T-band spectrum until a suitable replacement for regional radio interoperability is identified.

a. Loss of T-band will result in a significant reduction of radio interoperability between law enforcement agencies in eastern Massachusetts.

b. Lack of radio interoperability would negatively impact law enforcement operations and officer safety.

c. The costs of reestablishing a regional radio network are unknown at this time.

*Question 2a.* It is vital that the public have confidence in the alerts they receive from their government—Federal, State, or local alerts. I fear that the erroneous

alert in Hawaii in January may erode that trust and could lead to people opting out of the system.

Can you speak to how Boston PD used emergency alerts in the wake of the Boston Marathon bombing 5 years ago?

*Question 2b.* How effective of a tool is this for Boston public safety agencies?

Answer. Social media has served as an excellent tool for sharing and receiving information from the public. In the days following the Boston Marathon Bombing, the Department used social media to inform the public without inciting fear, to instruct the residents on what to do, and to instill a feeling of safety within the community. This method of communication proved invaluable during such a difficult time in Boston. In fact, in the years following the attack, the Department has continued to see a steady increase in the number of social media followers, and currently has 532,615 Twitter followers, 193,594 Facebook followers (and has received 202,058 “likes”), 23,679 Instagram followers and receives an average of 2.46 million page views per year on the Department’s website, *BPDNews.com*. The site has already received 781,262 views this year. Social media has allowed me to increase transparency and information sharing by posting the results of internal affairs investigations, seeking the identity of persons of interest and suspects in criminal activity, and seeking the community’s assistance in locating missing persons.

*Question 3a.* New York City successfully used wireless emergency alerts to notify the public of the Chelsea bombing and solicit help in apprehending the suspect. However, the alerts would have been even more effective if authorities were able to include a photo of the suspect with the alert.

Can you please speak to some of the challenges you have faced with using wireless emergency alerts?

*Question 3b.* What enhancements would you like to see to the system and how would that improve the effectiveness?

Answer. The Department does not currently utilize wireless emergency alerts.

*Question 4a.* What is the effectiveness of alerting individuals who are on the T or on the metro?

*Question 4b.* What challenges have you faced alerting individuals who are underground?

Answer. The Department does not currently utilize wireless emergency alerts.

#### QUESTIONS FROM HONORABLE LOU BARLETTA FOR PETER NEWSHAM

*Question 1a.* Recently, Pennsylvania law enforcement in my district experienced an attack during which a man opened fire on several officers in the city of Harrisburg. Thankfully, none of the officers were seriously injured, and the gunman was neutralized. However, my concern is not the effectiveness of our response to these types of events, but our efforts to prevent them from occurring in the first place.

Can any of you speak from the local law enforcement perspective as to what needs to be made available or improved to ensure information-sharing practices can prevent a future Boston Marathon or Austin bombings?

Answer. Response was not received at the time of publication.

*Question 1b.* How can we take steps now to better protect our communities from such attacks in the future?

Answer. Response was not received at the time of publication.

#### QUESTIONS FROM HONORABLE DANIEL M. DONOVAN FOR PETER NEWSHAM

*Question 1a.* The Middle-Class Tax Relief and Job Creation Act of 2012 established the First Responder Network Authority (FirstNet) and allocated spectrum to public safety. Included in the FirstNet authorizing provisions was a requirement for jurisdictions operating on spectrum known as the “T-Band” to migrate off that spectrum so it could be auctioned. The auction is required by 2021, with public safety migrating by 2023.

How will this migration impact public safety in the District of Columbia in the current threat climate?

Answer. Response was not received at the time of publication.

*Question 1b.* What are you the most concerned about?

Answer. Response was not received at the time of publication.

*Question 1c.* What costs are expected to be incurred with this change?

Answer. Response was not received at the time of publication.

*Question 1d.* How effective of a tool is this for D.C. public safety agencies?

Answer. Response was not received at the time of publication.

*Question 2a.* New York City successfully used wireless emergency alerts to notify the public of the Chelsea bombing and solicit help in apprehending the suspect.

However, the alerts would have been even more effective if authorities were able to include a photo of the suspect with the alert.

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Answer. Response was not received at the time of publication.

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Answer. Response was not received at the time of publication.

*Question 3a.* What is the effectiveness of alerting individuals who are on the metro?

Answer. Response was not received at the time of publication.

*Question 3b.* What challenges have you faced alerting individuals who are underground?

Answer. Response was not received at the time of publication.

